

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1309 Docket No. 05.0099.0650

DATE RECEIVED 9/8
REVIEW DATE 9-17
DUE DATE 9-22

APPROVED 9-22-86 mjc
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED 9/10
REVISOR DISAPPROVED
FILED W/SEC. STATE 9/22
RETURNED TO AGENCY 9/22

✓ Rule as adopted (4 copies)

N/A Notice to Solicit Outside Information/Opinion
Date published in State Register
Comments

N/A Petition for Adoption of a Rule

Board's Authorizing Resolution not enclosed

✓ Proposed rule
John C. Fuller Revisor's Certificate

✓ Notice of Intent to Adopt Rule
179a.04 subd 3f Statutory Authority
none Small business statement
none Expenditure of public money statement
none Signature

✓ Statement of Need and Reasonableness

Affidavit of Mailing Notice of Intent to Adopt Rule not enclosed
Date 30/25 days before adoption

✓ Publication in State Register
June 23, 1986 Date 30/25 days before adoption

Resolution Adopting

✓✓ Findings of Fact, Conclusions & Order Adopting
Aug 26, 1986 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney
Brad Engdahl Name of SAAG representing agency

✓ Notice of Submission to Attorney General (not enclosed)

✓ Affidavit of Mailing Notice to Attorney General ~~(not enclosed)~~

✓ Certification of Mailing List

✓ Order for Notice of Intent to Adopt Rules without a public hearing.

SF-00006-03

file

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: PAUL W. GOLDBERG, Director
Bureau of Mediation Services

DATE: 9/22/86

ATTN: BRAD P. ENGDAHL
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Adopted Permanent Rules Relating to Fair Share Fee Assessment

The above-referenced rule has been approved as to its legality by the Attorney General on September 22, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC/rmk
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1309

Bureau of Mediation Services

Adopted Permanent Rules Relating to Fair Share Fee Assessment

Rules as Adopted

5510.1410 FAIR SHARE FEE REQUIREMENTS.

Subpart 1. **Advance notice of fair share fee assessment.** The exclusive representative must provide written notice of the amount of the fair share fee assessment to the director, the employer, and each employee assessed: upon initial implementation of the fair share fee assessment; to employees hired after the original notice has been issued; and upon a change in the amount of the fair share fee assessment. The notice must contain:

A. to C. [Unchanged.]

D. sufficient information to identify expenditures for benefits available only to members of the exclusive representative and sufficient information to identify expenditures for collective bargaining and contract administration services that have been provided for bargaining unit employees without regard to membership status;

E. and F. [Unchanged.]

Subp. 2. **Employer provided information.** Unless an alternate method of fair share notice procedure has been requested and approved by the director, the employer shall provide to the exclusive representative the name, home mailing address, and social security number or other necessary payroll deduction information for all employees in the appropriate unit. Questions of necessary payroll deduction information shall be determined by the director.

Subp. 3. **Mailing notice.** Unless an alternate method of fair share notice procedure has been requested and approved by the director, the notice of the fair share fee assessment shall be mailed by the exclusive representative to the employee's last known home mailing address provided by the employer.

Subp. 4. [Unchanged.]

5510.1510 FAIR SHARE FEE CHALLENGE PETITION.

Subpart 1. **Filing petition.** A petition challenging a fair share fee assessment may be filed by individual employees and must include:

A. to H. [Unchanged.]

I. the amount by which the fair share fee assessment should be adjusted to conform to the statutory prerequisites of Minnesota Statutes, section 179A.06, subdivision 3;

J. the specific activities or expenditures of the exclusive representative which the challenger believes are not in conformance with the statutory prerequisites of Minnesota Statutes, section 179A.06, subdivision 3; and

K. the date on which the petitioner received notice of the fair share fee assessment.

Subp. 2. and 3. [Unchanged.]

Subp. 4. **Receipt of petition.** Upon receipt of the challenge petition and fee, the director shall provide the challenger with an acknowledgement and receipt, along with a copy of the rules governing such challenge.

Subp. 5. **Service on exclusive representative and employer.** A copy of the challenge petition shall be served by the petitioner upon the exclusive representative and the employer, in person or by mail, within the 30-calendar-day challenge period. Failure to serve a copy of a challenge petition upon the exclusive representative or employer in a timely manner shall be grounds for dismissing the petition.

Subp. 6. [Unchanged.]

5510.1710 APPLICABILITY OF FAIR SHARE FEE CHALLENGE DETERMINATION.

The determination of the validity of the amount of the fair share fee assessment shall apply from the effective date of the assessment being challenged to all employees in an appropriate unit who have an employment relationship which is similar to the petitioner, and who were assessed the same fair share fee.

Fair share fee determinations based on lack of proper notice apply only to employees who have filed a challenge.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 22 1986
Joan Anderson Growe
Secretary of State
2:01 PM

APPROVED AS TO FORM AND LEGALITY
September 22 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Crossley
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Adopted

5510.1410 FAIR SHARE FEE REQUIREMENTS

Subpart 1. Advance notice of fair share fee assessment.

D. sufficient information to identify expenditures for benefits available only to members of the exclusive representative and sufficient information to identify expenditures for collective bargaining and contract administration services that have been provided for bargaining unit employees without regard to membership status;

E. [Unchanged]

F. [Unchanged]

Subpart 2. Employer provided information. Unless an alternate method of fair share notice procedure has been requested and approved by the director, the employer shall provide to the exclusive representative the name, home mailing address, and social security number or other necessary payroll deduction information for all employees in the appropriate unit. Questions of necessary payroll deduction information shall be determined by the director.

Subpart 3. Mailing notice. Unless an alternate method of fair share notice procedure has been requested and approved by the director, the notice of the fair share fee assessment shall be mailed by the exclusive representative to the employee's last known home mailing address provided by the employer.

Subpart 4. [Unchanged]

5510.1510

Subpart 1. Filing petition.

I. the amount by which the fair share fee assessment should be adjusted to conform to the statutory prerequisites of Minnesota Statutes section 179A.06, subdivision 3;

J. the specific activities or expenditures of the exclusive representative which the challenger believes are not in conformance with the statutory prerequisites of Minnesota Statutes section 179A.06, subdivision 3; and

K. the date on which the petitioner received notice of the fair share fee assessment.

Subpart 4. Receipt of petition. Upon receipt of a challenge petition and fee, the director shall provide the challenger with an acknowledgement and receipt, along with a copy of the rules governing such challenge.

Subpart 5. Service on exclusive representative and employer. A copy of the challenge petition shall be served by the petitioner upon the exclusive representative and the employer, in person or by mail, within the 30-calendar-day challenge period. Failure to serve a copy of a challenge petition upon the exclusive representative or employer in a timely manner shall be grounds for dismissing the petition.

5510.1710 APPLICABILITY OF FAIR SHARE FEE CHALLENGE DETERMINATION.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Fair Share Fee Assessment

Rules as Proposed

5510.1410 FAIR SHARE FEE ~~CHALLENGE-PETITION~~ REQUIREMENTS.

Subpart 1. **Advance notice of fair share fee assessment.** The exclusive representative must provide written notice of the amount of the fair share fee assessment to the director, the employer, and each employee assessed: upon initial implementation of the fair share fee assessment; to employees hired after the original notice has been issued; and upon a change in the amount of the fair share fee assessment. The notice must contain:

A. to C. [Unchanged.]

D. ~~a-statement-identifying-benefits-available-only-to members-of-the-exclusive-representative-and-the-monetary-cost-of the-regular-membership-dues-attributable-to-each benefit~~ sufficient information to identify expenditures for benefits available only to members of the exclusive representative and sufficient information to identify expenditures for collective bargaining and contract administration services that have been provided for bargaining unit employees without regard to membership status;

E. and F. [Unchanged.]

Subp. 2. **Employer provided information.** Unless an alternate method of fair share notice procedure has been requested and approved by the director, the employer shall provide to the exclusive representative the name, home mailing address, and social security number or other necessary payroll deduction information for all employees in the appropriate unit. Questions of necessary payroll deduction information shall be determined by the director.

Subp. 3. Mailing notice. Unless an alternate method of fair share notice procedure has been requested and approved by

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

JCF

the director, the notice of the fair share fee assessment shall be mailed by the exclusive representative to the employee's last known home mailing address provided by the employer.

Subp. 4. [Unchanged.]

5510.1510 FAIR SHARE FEE CHALLENGE PETITION.

Subpart 1. **Filing petition.** A petition challenging a fair share fee assessment may be filed by individual employees and must include:

A. to H. [Unchanged.]

I. ~~the benefits asserted to be available only to members of the exclusive representative~~ the amount by which the fair share fee assessment should be adjusted to conform to the statutory prerequisites of Minnesota Statutes, section 179A.06, subdivision 3;

J. ~~a statement regarding whether the cost of benefits asserted to be available only to members is greater than the amount by which the regular membership dues were reduced in establishing the amount of the fair share fee;~~ the specific activities or expenditures of the exclusive representative which the challenger believes are not in conformance with the statutory prerequisites of Minnesota Statutes, section 179A.06, subdivision 3; and

K. ~~the amount by which the fair share fee should be reduced; and~~

L. the date on which the petitioner received notice of the fair share fee assessment.

Subp. 2. and 3. [Unchanged.]

Subp. 4. **Receipt of petition.** Upon receipt of the challenge petition and ~~filing~~ fee, the director shall provide ~~a written receipt to the petitioner~~ the challenger with an acknowledgement and receipt, along with a copy of the rules governing such challenge.

Subp. 5. **Service on exclusive representative and employer.** A copy of the challenge petition shall be served by the petitioner upon the exclusive representative and the

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

employer, in person or by mail, within the 30-calendar-day challenge period. ~~A petition not timely served shall be dismissed.~~ Failure to serve a copy of a challenge petition upon the exclusive representative or employer in a timely manner shall be grounds for dismissing the petition.

Subp. 6. [Unchanged.]

5510.1710 ~~FAIR SHARE FEE APPLICATION~~ APPLICABILITY OF FAIR SHARE FEE CHALLENGE DETERMINATION.

The determination of the validity of the amount of the fair share fee assessment shall apply from the effective date of the assessment being challenged to all employees in an appropriate unit who have an employment relationship which is similar to the petitioner, and who were assessed the same fair share fee.

Fair share fee determinations based on lack of proper notice apply only to employees who have filed a challenge.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fair Share Fee Assessment

AGENCY: Bureau of Mediation Services

MINNESOTA RULES: Parts 5510.1410, 5510.1510, and 5510.1710

The attached rules are approved for publication
in the State Register

John C. Fuller
Assistant Deputy Revisor

MINNESOTA BUREAU OF
MEDIATION SERVICES

Proposed Rules Relating to Fair Share Fee Assessment

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Director, Bureau of Mediation Services, proposes to amend the above-entitled rules without a public hearing. The Director has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in this rule are encouraged to submit comment in support of or in opposition to the proposed rule and shall have 30 days to do so. Each comment should identify the portion of the proposed rule being addressed, the reason the comment is being made, and any changes in the proposed rule which are being suggested. The proposed rule may be modified if the modifications are supported by the data and comments received by the Bureau and do not result in substantial change in the intent and purpose of the proposed rule.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address and are encouraged to identify the portion of the proposed rule addressed by their request, the reason for the request, and any changes in the proposed rule which are being suggested. In the event a public hearing is required, the Bureau will proceed pursuant to Minnesota Statutes, sections 14.11-14.20.

Comments or written requests for a public hearing on these proposed rules should be submitted to:

Paul W. Goldberg, Director
Minnesota Bureau of Mediation Services
205 Aurora Avenue
St. Paul, MN 55103
(612) 296-2525

Authority to adopt this rule is contained in Minnesota Statutes, section 179A.04, subdivision 3(f). A Statement of Need and Reasonableness that describes the need for and the reasonableness of the proposed rule and the information relied upon to support the amendment has been prepared and is available upon request from the Bureau at the above address or telephone number.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and

Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final Rule as Adopted, should submit a written request to the address provided above.

A copy of the proposed rules are attached to this notice.

Copies of this notice and the proposed rule are available and may be obtained by contacting the Bureau at the above address or telephone number.

June 9, 1986

Paul W. Goldberg, Director
Bureau of Mediation Services

Statement of Need and Reasonableness

Proposed Amendments to Rules Relating To Fair Share Fee Assessment.

5510.1410, Subpart 1, D. Chicago Teachers Union, Local No. 1, AFT, AFL-CIO, et al. v. Hudson, et al., U.S. Supreme Court, No. 84-1503, March 4, 1986, established procedural safeguards to assure that non-union employees are given adequate information prior to deduction of a fair share or similar fee. This rule has been changed to meet the procedural requirements of Hudson and to eliminate any existing procedural inadequacies.

5510.1410, Subpart 2. Legitimate reasons have been advanced by individuals affected to change the mandatory provision of this subpart. The amendment allows compliance with statutory requirements, yet protects certain individuals where a valid reason exists to justify an alternate method of disclosure of information necessary for proper notice, i.e., undercover police agents. Such alternate methods of notice might include providing an individual's work address rather than home-mailing address.

5510.1410, Subpart 3. Same as 5510.1410, Subpart 2.

5510.1510, Subpart 1, I. Because Chicago Teachers Union, Local No. 1, AFT, AFL-CIO, et al. v. Hudson, et al., U.S. Supreme Court, No. 84-1503, March 4, 1986, suggests disclosure of information beyond that of members-only benefits, it is reasonable to conclude that the requested reduction of the fair share fee might encompass an amount greater than members-only benefits. The amendment allows petitioners to incorporate reductions based on all issues challenged and thus the rule requirement is less restrictive.

5510.1510, Subpart 1, J. Same as 5510.1510, Subpart I. If petitioner's suggested reduction in the fee extends beyond members-only benefits, it is reasonable that the basis for such requested reduction be identified. This change corresponds to the amendment of Subpart 1, I, in terms of recognizing the broader scope of potential challenges.

5510.1510, Subpart 1, K. This amendment represents a change in alphabetical sequence only because the old "K" provision was incorporated into "I".

5510.1510, Subpart 4. Public comments received by the Bureau suggested that procedural information should be provided to petitioners in a timely fashion. This amendment codifies agency practice and ensures such information is received by petitioners at the earliest possible date.

5510.1510, Subpart 5. The amendment clarifies previous language by explicitly notifying the petitioner of the consequences of noncompliance. The change is not substantive in nature.

5510.1710 The amendment changes the title to more accurately describe the contents of this section. The change is not substantive in nature.

STATE OF MINNESOTA

BUREAU OF MEDIATION SERVICES

In the Matter of the Proposed Adoption of Rules of the Bureau of Mediation Services Relating to Fair Share Fee Assessment

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carol L. Cox being first duly sworn, deposes and says:

That on the 9th day of June, 1986, at the City of Saint Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mail at said City of Saint Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Bureau of Mediation Services for the purpose of receiving notice of the proposed adoption of rules by this agency.

Subscribed and sworn to before me this Ninth day of June, 1986.

Kenneth L. Boxell
NOTARY PUBLIC

KENNETH L. BOXELL
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires April 19, 1991

providers or vendors of health services to prevent duplication or abuse of health services, to prevent the violation of prior authorization requirements, or to ensure continuity of care. A restriction must comply with parts 9505.1760 to 9505.2150 and is subject to the appeal process under part 9505.0130.

9505.0150 WARNING STATEMENT IN LANGUAGES OTHER THAN ENGLISH.

The commissioner shall prepare a written statement in English, Spanish, Laotian, Vietnamese, Cambodian, Hmong, and other languages that the commissioner determines appropriate for the applicants and recipients, that states that the written document accompanying the statement is very important, and that if the reader does not understand the document, the reader should seek immediate help. The written statement must accompany all written information given by the department or a local agency to an applicant or recipient.

REPEALER. Minnesota Rules, parts 9500.0750; 9500.0760; 9500.0770; 9500.0780; 9500.0790; 9500.0800; 9500.0810; 9500.0820; 9500.0830; 9500.0840; 9500.0850; 9500.0860; 9500.0910; 9500.0920; 9500.0930; subparts 1 to 3; 9500.0940; and 9500.0950 are repealed. Minnesota Rules, parts 9505.0211 [Emergency] and 9505.0212 [Emergency] are repealed.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Fair Share Fee Assessment

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Director, Bureau of Mediation Services, proposes to amend the above-entitled rules without a public hearing. The Director has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28.

Persons interested in this rule are encouraged to submit comment in support of or in opposition to the proposed rule and shall have 30 days to do so. Each comment should identify the portion of the proposed rule being addressed, the reason the comment is being made, and any changes in the proposed rule which are being suggested. The proposed rule may be modified if the modifications are supported by the data and comments received by the Bureau and do not result in substantial change in the intent and purpose of the proposed rule.

Unless 25 or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address and are encouraged to identify the portion of the proposed rule addressed by their request, the reason for the request, and any changes in the proposed rule which are being suggested. In the event a public hearing is required, the Bureau will proceed pursuant to Minnesota Statutes, sections 14.11-14.20.

Comments or written requests for a public hearing on these proposed rules should be submitted to:

Paul W. Goldberg, Director
Minnesota Bureau of Mediation Services
205 Aurora Avenue
St. Paul, MN 55103
(612) 296-2525

Authority to adopt this rule is contained in Minnesota Statutes, section 179A.04, subdivision 3(f). A Statement of Need and Reasonableness that describes the need for and the reasonableness of the proposed rule and the information relied upon to support the amendment has been prepared and is available upon request from the Bureau at the above address or telephone number.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final Rule as Adopted, should submit a written request to the address provided above.

A copy of the proposed rules are attached to this notice.

Copies of this notice and the proposed rule are available and may be obtained by contacting the Bureau at the above address or telephone number.

9 June 1986

Paul W. Goldberg, Director
Bureau of Mediation Services

Rules as Proposed

5510.1410 FAIR SHARE FEE ~~CHALLENGE PETITION~~ REQUIREMENTS.

Subpart 1. **Advance notice of fair share fee assessment.** The exclusive representative must provide written notice of the amount of the fair share fee assessment to the director, the employer, and each employee assessed: upon initial implementation of the fair share fee assessment; to employees hired after the original notice has been issued; and upon a change in the amount of the fair share fee assessment. The notice must contain:

A. to C. [Unchanged.]

D. ~~a statement identifying benefits available only to members of the exclusive representative and the monetary cost of the regular membership dues attributable to each benefit~~ sufficient information to identify expenditures for benefits available only to members of the exclusive representative and sufficient information to identify expenditures for collective bargaining and contract administration services that have been provided for bargaining unit employees without regard to membership status;

E. and F. [Unchanged.]

Subp. 2. **Employer provided information.** Unless an alternate method of fair share notice procedure has been requested and approved by the director, the employer shall provide to the exclusive representative the name, home mailing address, and social security number or other necessary payroll deduction information for all employees in the appropriate unit. Questions of necessary payroll deduction information shall be determined by the director.

Subp. 3. **Mailing notice.** Unless an alternate method of fair share notice procedure has been requested and approved by the director, the notice of the fair share fee assessment shall be mailed by the exclusive representative to the employee's last known home mailing address provided by the employer.

Subp. 4. [Unchanged.]

5510.1510 FAIR SHARE FEE CHALLENGE PETITION.

Subpart 1. **Filing petition.** A petition challenging a fair share fee assessment may be filed by individual employees and must include:

A. to H. [Unchanged.]

I. ~~the benefits asserted to be available only to members of the exclusive representative~~ the amount by which the fair share fee assessment should be adjusted to conform to the statutory prerequisites of Minnesota Statutes, section 179A.06, subdivision 3;

J. ~~a statement regarding whether the cost of benefits asserted to be available only to members is greater than the amount by which the regular membership dues were reduced in establishing the amount of the fair share fee;~~ the specific activities or expenditures of the exclusive representative which the challenger believes are not in conformance with the statutory prerequisites of Minnesota Statutes, section 179A.06, subdivision 3; and

K. ~~the amount by which the fair share fee should be reduced; and~~

~~L.~~ the date on which the petitioner received notice of the fair share fee assessment.

Subp. 2. and 3. [Unchanged.]

Subp. 4. **Receipt of petition.** Upon receipt of the challenge petition and ~~filing~~ fee, the director shall provide ~~a written receipt to the petitioner~~ the challenger with an acknowledgement and receipt, along with a copy of the rules governing such challenge.

Subp. 5. **Service on exclusive representative and employer.** A copy of the challenge petition shall be served by the petitioner upon the exclusive representative and the employer, in person or by mail, within the 30-calendar-day challenge period. ~~A petition not timely served shall be dismissed.~~ Failure to serve a copy of a challenge petition upon the exclusive representative or employer in a timely manner shall be grounds for dismissing the petition.

Subp. 6. [Unchanged.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

5510.1710 ~~FAIR SHARE FEE APPLICATION~~ APPLICABILITY OF FAIR SHARE FEE CHALLENGE DETERMINATION.

The determination of the validity of the amount of the fair share fee assessment shall apply from the effective date of the assessment being challenged to all employees in an appropriate unit who have an employment relationship which is similar to the petitioner, and who were assessed the same fair share fee.

Fair share fee determinations based on lack of proper notice apply only to employees who have filed a challenge.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Energy and Economic Development Authority Financial Management Division

Outside Opinion Sought Regarding Proposed Rules Governing Waste Tire Recycling Loans

Notice is hereby given that the Minnesota Energy and Economic Development Authority is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the Waste Tire Recycling Loan Program. The adoption of the rule is authorized by Minnesota Statutes, sections 116M.07 subd. 3 and 116M.08 subd. 4, which require the agency to adopt rules for its financial assistance programs.

The Minnesota Energy and Economic Development Authority requests information and comments concerning the subject matter of the rule. Interested or affected persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to:

Jeanne Endahl
Financial Management Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at 612-297-1981 and in person at the above address.

All statements of information and comment shall be accepted until July 18, 1986. Any written material received by the Minnesota Energy and Economic Development Authority shall become part of the rulemaking record in the event that the rule is adopted.

Department of Energy and Economic Development Business Financial Management Division

Notice of Tax Exempt Financing Issuance Authority

Notice of Availability

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of June 16, 1986, is as follows:

STATE OF MINNESOTA

BUREAU OF MEDIATION SERVICES

In the Matter of the Proposed Adoption of Rules of the Bureau of Mediation Services Relating to Fair Share Fee Assessment.

FINDINGS OF FACT AND CONCLUSIONS

The above-entitled matter has been considered without a public hearing in accordance with Minn. Stat. § 14.21 to 14.26 (1984).

After affording interested persons an opportunity to present data, statements, and arguments, having reviewed all timely comments and having considered all of the evidence adduced upon the records, files and proceedings herein, the Bureau finds the following:

I. The Statement of Need and Reasonableness demonstrates the need for and reasonableness of the proposed rules.

II. The rules as proposed are needed and reasonable.

STATE OF MINNESOTA

August 26, 1986

Paul W. Goldberg
Director
Bureau of Mediation Services

STATE OF MINNESOTA

BUREAU OF MEDIATION SERVICES

In the Matter of the Proposed Adoption of Rules of the Bureau of Mediation Services Relating to Fair Share Fee Assessment

ORDER ADOPTING RULES

Notice of the Bureau's intent to adopt the above-entitled rules without a public hearing was published in the State Register on June 23, 1986, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 14.22. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving no written requests for a public hearing within the 30-day comment period, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Rules: Parts 5510.1210 are adopted this 26th day of August, 1986, pursuant to authority vested in me by Minnesota Statutes section 179A.04, Subd. 3(f) (1984).

STATE OF MINNESOTA

Paul W. Goldberg

PAUL W. GOLDBERG
Director of Bureau of Mediation Services

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating To Fair Share Fee Assessment	STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Brad Engdahl, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Brad P. Engdahl
(Special Assistant Attorney General)

Dated: August 27, 1986

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION OF RULES
TO ATTORNEY GENERAL

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to
Fair Share Fee Assessment

AFFIDAVIT OF
MAILING NOTICE OF
SUBMISSION TO THE
ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, Carol S. Cox, Mediation Transcript Specialist, being first duly sworn, deposes and says:

That on the 26th day of August, 1986, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by personally delivering it, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the attorney general.

Carol S. Cox
Signed

Subscribed and sworn to before me
this 26th day of August,
1986.

Kenneth L. Boxell

KENNETH L. BOXELL
NOTARY PUBLIC — MINNESOTA
RAMSEY COUNTY
My commission expires April 19, 1991

CERTIFICATION OF MAILING LIST

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATION

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to
Fair Share Fee Assessment

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1, that their names be placed on file with and maintained by the State of Minnesota for the purpose of receiving notice of the proposed adoption of rules by the Bureau of Mediation Services is accurate and complete as of 9:00 A.M., this 20th day of June, 1986.

DATED August 26, 1986

SIGNED Carol L. Cop

STATE OF MINNESOTA

BUREAU OF MEDIATION SERVICES

In the Matter of the Proposed Adoption of Rules of the Bureau of Mediation Services Relating to Fair Share Fee Assessment

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED THIS 9th day of June, 1986, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Bureau of Mediation Services for that purpose and be published in the State Register.

BUREAU OF MEDIATION SERVICES

Paul W. Goldberg

PAUL W. GOLDBERG, DIRECTOR

p3 line 2-5 subp 5

I'm not sure if the change in the rule is large enough to be considered a "substantive change" but I see a large difference between ~~the~~ the petition will be dismissed and grounds for dismissing the petition.

I dont agree with the Statement of need + reasonableness that the change ~~change~~ only "clarifies" the old wording.

I agree - - not a SA tho, ~~bk~~ bk changes existing rule, not proposed rule
- issue is adequacy of SNR - -
- decision - OK - - has some explanation, a little weak....

OFFICE MEMORANDUM

DEPARTMENT: BUREAU OF MEDIATION SERVICES
STATE OF MINNESOTA

TO: Judith Wehrwein
Attorney General's Office

DATE: August 26, 1986 PHONE: 296-2525

FROM: Paul W. Goldberg
Director
Bureau of Mediation Services

SUBJECT: Rules of the Bureau of Mediation Services Governing Questions Relating to Fair Share Fee Assessment

Enclosed for your review are the following documents concerning the above-entitled rules:

1. Four copies of the rules as adopted (in Revisor's format);

2. Two copies of the order adopting rules;

3. Order for notice of intent to adopt without a public hearing;

4. Notice of intent to adopt without a public hearing;

5. Certificate (regarding mailing list);

6. Affidavit of mailing;

7. Notice and rules as printed in the State Register; statement of need and reasonableness; copies of comments received and responses to those comments;

8. Findings of fact and conclusions;

9. Certificate of compliance (signed by Special Assistant Attorney General Brad Engdahl).

The Bureau received one request from the Public Employment Relations Board to be advised of our submission of materials to the Attorney General and to recieve a copy of the final rules as adopted.

PWG:cc

Enclosures