

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

BUREAU OF MEDIATION SERVICES **INTRA-OFFICE MEMO**

TO: **Andrea Kircher**

FROM: **Carol Clifford** Carol

RE: **Arbitration Rules**

DATE: **February 20, 1991**

Enclosed is a package for our arbitration rules. After review, would you please add a date on the memo to Patricia Nolte (first page) and sign and date the Declaration of Council (last page). The package can then be sent over the Patricia Nolte. As we have done in the past, would you please call me and tell me the appropriate dates. If there are any problems with this, or you need more information, please call me at 649-5421. Thanks!!

Rec
3-15-91

RECEIVED 1991
MAR 1 1991
Office of the Government Services
Capitol Office Bldg.
525 Park Street
St. Paul MN 55103

RECEIVED

FEB 2 2 91

ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST.
ST. PAUL, MN 55101

179A.04 subd 3(f)

The commissioner shall ~~[illegible]~~ adopt rules relating to the administration of this chapter, and the conduct of hearings and elections.

In the Matter of
Proposed Amendment to Rules of the State Bureau of Mediation Services Relating to Referral to Arbitration

STATEMENT OF NEED AND REASONABLENESS

PART	NEED	REASONABLENESS
5510.2930, Subpart 1	Open-window periods exist, in part, to assure that employees have an opportunity to freely choose to change or retain their exclusive representative at least once every 3 years if they so desire. To balance this employee right, an incumbent exclusive representative's rights are assured through an arbitration bar which prevents questions of representation and decertification from being raised when issues on a contract have been certified to arbitration. This arbi-bar was intended to assure that the exclusive representative who negotiated the contract to impasse would continue to be the exclusive representative for the duration of that contract. An unexpected result of these two provisions occurs when a contract has been certified to arbitration **before** the designated open-window period occurs. Just such an occurrence has raised the question of whether or not the arbitration bar pre-empts the open-window period. This proposed rule change is needed to assure that the arbitration bar cannot pre-empt the open-window period and thus inadvertently or intentionally prevent employees from exericsing their rights under PELRA.	This change is reasonable in that it protects the rights of employees to raise questions of representation or decertifica-prior to the expiration of an existing contract sufficiently in advance to allow any change in exclusive representative to be settled before extensive negotiations of a successor contract. Further, it leaves intact the exclusive representative's protection through the arbitration bar. It does both by assuring that the Bureau does not certify issues to arbitration until after the open-window period has closed.

In the Matter of
Proposed Amendment to Rules of the State Bureau of Mediation Services Relating to Arbitration Bar

STATEMENT OF NEED AND REASONABLENESS

PART	NEED	REASONABLENESS
5510.0510, Subpart 4	This change is necessary to extend the protection of the arbitration bar to initial contract negotiations. When this rule was originally promulgated in 1984, the language was drafted as the result of experiences with successor contracts and was thus limited to such. However, the protection of the arbitration bar is as essential to initial contracts as it is to successor contracts and this change is necessary to clarify that applicability.	This change is reasonable in that it preserves the fundamental public policy objective of the Public Employment Labor Relations Act (PELRA) which is to promote orderly and constructive relationships between employers and exclusive representatives. Certification to impasse occurs only when the commissioner is convinced that substantial good-faith bargaining efforts have been made by the parties. Thus such certification occurs once a contract is substantially intact and contains substantial agreed upon terms and conditions of employment with only the remaining items in dispute to be decided in arbitration. At this eleventh hour in the bargaining process, stable and harmonious labor relations are promoted by a bar to rival petitions that could possibly negate the entire bargaining process that had occurred.

In the Matter of the Adoption of Rules of the State Bureau of Mediation Services Relating to Arbitrations

DECLARATION OF COUNSEL

I, Andrea Kircher, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General Billing purposes, the four-digit docket client code if 0650.

A M Kircher

Andrea Kircher
Special Assistant
Attorney General

Dated: 3-14-91

STATE OF MINNESOTA

BUREAU OF MEDIATION SERVICES

In the Matter of
Permanent Rules
Relating to
Arbitrations

FINDINGS OF FACT,
CONCLUSIONS, AND ORDER
ADOPTING RULES WITHOUT
PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rules was published in the State Register on December 10, 1990, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. S 14.14 (1988), subd. 1a and 14.22 on December 10, 1990. (2) The statement of need and reasonableness was prepared before December 10, 1990, and was available to the public.

(4) All persons were given the opportunity to submit comments on the rules for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) No submissions or comments on the rules were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based upon the comments and evidence in the record before the agency, I find the following:

1. The above captioned rules are needed and reasonable. (8)

(9) NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules: Parts 5510.0510, subpart 4; and 5510.2930, subpart 1; are adopted this 25th day of February, 1991, pursuant to the authority vested in me by Minn. Stat. S 179A.04, subd. 3, (f) (1989).

Signature: Joyce M. Wood
Name: JOYCE M. WOOD
Title: Acting Commissioner

In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Relating to Arbitrations

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Carol S. Clifford being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Bureau of Mediation Services rulemaking mailing list is accurate, complete, and current as of this 10 th day of December, 1990.

That on the 10 th day of December, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Carol S. Clifford
Name

Executive I
Title

Subscribed and sworn to before me
this 20 th day of February, 1991.

Janet L. Johnson

JANET L. JOHNSON
NOTARY PUBLIC-MINNESOTA
ANOKA COUNTY
MY COMMISSION EXPIRES JUNE 12, 1995

Bureau of Mediation Services

Proposed Permanent Rules Relating to Arbitrations

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Bureau of Mediation Service intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 179A.04, subdivision 3 (f).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Paul W. Goldberg, Commissioner
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5421

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota 55108.

You are hereby advised pursuant to *Minnesota Statutes*, section 14.115 (1988) that the proposed rules are not considered to have any impact on small business.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota 55108.

Dated: 10 December 1990

Paul W. Goldberg
Commissioner

Rules as Proposed

5510.0510 LIMITATION ON FILING PETITION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Arbitration bar.** If there is an exclusive representative ~~and a labor contract,~~ and impasse in ~~the~~ negotiation of a ~~successor~~ contract has been certified for arbitration under *Minnesota Statutes*, section 179A.16, subdivision 1 or 2, a petition raising a question of representation or decertification shall not be considered following certification of impasse to the board. This bar shall continue in effect until the arbitration award is issued and a contract is executed pursuant to *Minnesota Statutes*, section 179A.20, subdivision 1.

[For text of subps 5 to 7, see M.R.]

5510.2930 REFERRAL TO ARBITRATION.

Subpart 1. **Referral.** The commissioner may refer a matter to the board for arbitration when the commissioner has determined that further mediation efforts would serve no purpose, the open-window period on the current contract has closed, and:

A. in the case of essential employees, either or both parties have requested arbitration; or

B. in the case of nonessential employees, a request to arbitrate has been made by one party and has been agreed to by the other within 15 days of the request.

Requests for arbitration and agreements to arbitrate must be in writing and be served on the other party and the commissioner under part 5510.0310, subpart 19. The requests and agreements are binding on the parties except to the extent they otherwise agree in writing. An offer to arbitrate for nonessential employees that has not been accepted in writing within the 15-day period shall be considered rejected and withdrawn.

[For text of subps 2 to 7, see M.R.]

RECEIVED

MAR 14 91

ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST.
ST. PAUL, MN 55101

3/18
MJC

RULE REVIEW CHECKLIST

File No. 1807
DATE RECEIVED 3-15-91
REVIEW DATE 3-25-91
DUE DATE 3-29-91
(DIS)APPROVED 3-28-91
WITHDRAWN _____

Docket No. 05, 0009.0650
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 3-19-91
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE 3-28-91
RETURNED TO AGENCY 3-28-91

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion (if applicable)~~
_____ Date published in State Register
_____ Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~
_____ ~~Date adopted~~

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
179.04 subd 3(f) Statutory Authority
~~statement - compact~~ Small Business Statement
~~no statment~~ Expenditure of public money statement
~~179.04 subd 3(f)~~ Signature December 10, 1990

✓ Statement of Need and Reasonableness (if applicable)
no statement Small Business Statement
N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
December 10, 1990 Dated (30)/25 days before adoption
Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
~~December 10, 1990~~ Date (30)/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

~~Resolution Adopting~~
_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting
February 25, 1991 Date

✓ ~~Written~~ Requests, Submissions or Comments no comments but there was a submission

_____ Declaration of Attorney
Candace Kircher Name of SAAG representing agency

✓ Notice of Submission to Attorney General (if applicable)

Bureau of Mediation Services

Adopted Permanent Rules Relating to Arbitrations

Rules as Adopted

5510.0510 LIMITATION ON FILING PETITION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Arbitration bar.** If there is an exclusive representative and impasse in negotiation of a contract has been certified for arbitration under Minnesota Statutes, section 179A.16, subdivision 1 or 2, a petition raising a question of representation or decertification shall not be considered following certification of impasse to the board. This bar shall continue in effect until the arbitration award is issued and a contract is executed pursuant to Minnesota Statutes, section 179A.20, subdivision 1.

[For text of subps 5 to 7, see M.R.]

5510.2930 REFERRAL TO ARBITRATION.

Subpart 1. **Referral.** The commissioner may refer a matter to the board for arbitration when the commissioner has determined that further mediation efforts would serve no purpose, the open-window period on the current contract has closed, and:

A. in the case of essential employees, either or both parties have requested arbitration; or

B. in the case of nonessential employees, a request to arbitrate has been made by one party and has been agreed to by the other within 15 days of the request.

Requests for arbitration and agreements to arbitrate must be in writing and be served on the other party and the commissioner under part 5510.0310, subpart 19. The requests and agreements are binding on the parties except to the extent they otherwise agree in writing. An offer to arbitrate for nonessential employees that has not been accepted in writing within the 15-day period shall be considered rejected and

withdrawn.

[For text of subps 2 to 7, see M.R.]

APPROVED AS TO FORM AND LEGALITY

March 27 1991

ATTORNEY GENERAL

BY

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 28 1991
Joan Anderson Growe
Secretary of State
1:02 P.M.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Arbitrations

Rules as Proposed

5510.0510 LIMITATION ON FILING PETITION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Arbitration bar.** If there is an exclusive representative ~~and a labor contract,~~ and impasse in ~~the~~ negotiation of a ~~successor~~ contract has been certified for arbitration under Minnesota Statutes, section 179A.16, subdivision 1 or 2, a petition raising a question of representation or decertification shall not be considered following certification of impasse to the board. This bar shall continue in effect until the arbitration award is issued and a contract is executed pursuant to Minnesota Statutes, section 179A.20, subdivision 1.

[For text of subps 5 to 7, see M.R.]

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A. in the case of essential employees, either or both parties have requested arbitration; or

B. in the case of nonessential employees, a request to arbitrate has been made by one party and has been agreed to by the other within 15 days of the request.

Requests for arbitration and agreements to arbitrate must be in writing and be served on the other party and the commissioner under part 5510.0310, subpart 19. The requests and agreements are binding on the parties except to the extent they otherwise agree in writing. An offer to arbitrate for nonessential employees that has not been accepted in writing

Approved by Revisor MEO

within the 15-day period shall be considered rejected and withdrawn.

[For text of subps 2 to 7, see M.R.]

Approved by Revisor MEO

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Arbitrations

AGENCY: Bureau of Mediation Services

MINNESOTA RULES: Chapter 5510

The attached rules are approved for
publication in the State Register

Marie E. O'Neill

Marie E. O'Neill
Assistant Revisor

BUREAU OF MEDIATION SERVICES **INTRA-OFFICE MEMO**

TO: **Patricia Nolte**
Attorney General's Office

FROM: **Joyce M. Wood, Acting Commissioner**
Bureau of Mediation Services

Joyce M. Wood

RE: **Rules of the Bureau of Mediation Services**
Relating to Arbitrations

DATE: 3-14-91

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

1. A copy of the proposed rule with a certificate of approval as to form by the revisor of statutes attached.

2. The notice of intent to adopt a rule without a public hearing as submitted to the state register.

3. The statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

4. The affidavit of mailing the notice of intent to adopt a rule without a public hearing.

5. A copy of the notice of intent to adopt a rule without a public hearing as published in the state register.

6. Four copies of the rule as adopted.

7. The findings of fact, conclusions, and order adopting the rule.

8. The declaration of the attorney in the attorney general's office who represents the agency.

(No written requests, submissions, or comments on the rule were received by the agency. No one requested notification of the submission of the rule to the Attorney General.)

D. expertise of program sponsor; and

E. recommendations of Minnesota Occupational Safety and Health Administration consultation unit.

Bureau of Mediation Services

Proposed Permanent Rules Relating to Arbitrations

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Bureau of Mediation Service intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 179A.04, subdivision 3 (f).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Paul W. Goldberg, Commissioner
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5421

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota 55108.

You are hereby advised pursuant to *Minnesota Statutes*, section 14.115 (1988) that the proposed rules are not considered to have any impact on small business.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota 55108.

Dated: 10 December 1990

Paul W. Goldberg
Commissioner

Rules as Proposed

5510.0510 LIMITATION ON FILING PETITION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Arbitration bar.** If there is an exclusive representative ~~and a labor contract,~~ and impasse in ~~the~~ negotiation of a ~~successor~~ contract has been certified for arbitration under *Minnesota Statutes*, section 179A.16, subdivision 1 or 2, a petition raising a question of representation or decertification shall not be considered following certification of impasse to the board. This bar shall continue in effect until the arbitration award is issued and a contract is executed pursuant to *Minnesota Statutes*, section 179A.20, subdivision 1.

[For text of subps 5 to 7, see M.R.]

5510.2930 REFERRAL TO ARBITRATION.

Subpart 1. **Referral.** The commissioner may refer a matter to the board for arbitration when the commissioner has determined that further mediation efforts would serve no purpose, the open-window period on the current contract has closed, and:

A. in the case of essential employees, either or both parties have requested arbitration; or

B. in the case of nonessential employees, a request to arbitrate has been made by one party and has been agreed to by the other within 15 days of the request.

Requests for arbitration and agreements to arbitrate must be in writing and be served on the other party and the commissioner under part 5510.0310, subpart 19. The requests and agreements are binding on the parties except to the extent they otherwise agree in writing. An offer to arbitrate for nonessential employees that has not been accepted in writing within the 15-day period shall be considered rejected and withdrawn.

[For text of subps 2 to 7, see M.R.]

Board of Technical Colleges

Proposed Permanent Rules Relating to Education, Technical Colleges; Teacher License: Turf and Landscape/Irrigation and Drainage

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Technical Colleges intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Friday, January 1, 1991, in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, Sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Georgia Pomroy, License Revision Specialist
State Board of Technical Colleges
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-0680

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Georgia Pomroy at the above address and phone, upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of

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.

BUREAU OF MEDIATION SERVICES

In the Matter of the Proposed Adoption of Rules of the State Bureau of Mediation Services Relating to Arbitrations

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the State Bureau of Mediation Service intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 179A.04, subdivision 3 (f).

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota

Statutes, sections 14.131 to 14.20.

(5) Comments or written requests for a public hearing must be submitted to:

Paul W. Goldberg, Commissioner
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108
(612) 649-5421

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

(11) A copy of the proposed rule is attached to this notice.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

(14) You are hereby advised pursuant to Minnesota Statutes, section 14.115 (1988) that the proposed rules are not considered to have any impact on small business.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Paul W. Goldberg, Commissioner, Bureau of Mediation Services, 1380 Energy Lane, Suite Two, St. Paul, Minnesota, 55108.

Dated: December 10, 1990

Paul W. Goldberg
Name

Commissioner
Title

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: March 29, 1991

TO: PETER OBERMEYER
Commissioner
Bureau of Mediation Services

FROM: MARY JO MURRAY
Special Assistant
Attorney General

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Arbitrations

The above-referenced rule has been approved as to its legality by the Attorney General on March 28, 1991.

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

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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:sc

cc: Andrea Kircher
William Brown, Chief Judge
MaryAnn Hruby