



## Minnesota House of Representatives House Research

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### Collective Bargaining/PELRA

The Public Employment Labor Relations Act (PELRA) establishes the rules for collective bargaining between Minnesota public employers and representatives of public employees. PELRA grants public employees the right to unionize and to bargain collectively, sets the criteria for establishment of bargaining units, provides procedures for election of exclusive representatives, and contains procedures for resolving impasses in bargaining.

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#### The legislature established in statute the bargaining units for executive branch state employees.

There are 17 executive branch bargaining units, based on occupational lines. For example, all clerical employees in the executive branch are assigned to one bargaining unit, and all registered nurses are in another. Before 1980, there were well over 100 bargaining units for executive employees, with employees in different agencies and geographical locations often being assigned to different units. For example, nurses in the state human services system were in different bargaining units from nurses in the state correctional system.

The legislature has established separate bargaining units for judicial branch employees.

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#### State employees within a bargaining unit can choose whether or not to be represented by a union.

Currently almost all executive employees who can be unionized have chosen to be unionized. Approximately 90 percent of the state work force is represented by unions. The largest state employee union, AFSCME, represents 7 of the 17 bargaining units, covering approximately 18,500 employees (some of whom are part-time). The next largest union, the Minnesota Association of Professional Employees, represents over 12,000 employees (some part-time).

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#### PELRA requires public employers to meet and negotiate with elected public employee unions on "terms and conditions of employment."

The duty to meet and negotiate in good faith does not compel either the employer or the union to agree to a proposal. The Commissioner of Finance has been designated the "employer" for purposes of bargaining with state employees.

The statute defines "terms and conditions of employment" to include hours of employment, compensation (including fringe benefits), and personnel policies affecting working conditions. However, a public employer is not required to negotiate on matters of inherent managerial policy, such as the functions and programs of the employer, its overall budget, use of technology, organizational structure, and selection and direction of personnel. PELRA also prohibits bargaining over pension benefits, which are established in other law.

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**PELRA sets procedures for resolving impasses when the public employer and the union are not able to reach agreement on a contract.**

The initial step in impasse resolution is mediation. In this process a mediator from the Bureau of Mediation Services (BMS) attempts to assist the two sides in reaching an agreement.

Another tool for resolving impasses is binding arbitration. Arbitration that establishes the terms of a contract is known as interest arbitration. For most employees, interest arbitration is available only if the employer *and* the union agree to use it. For employees designated as essential, the union can have the matter sent to arbitration if the BMS finds that good-faith bargaining has occurred and that there is an impasse. PELRA specifies procedures for selection of an arbitrator. Once the arbitrator renders an award, it is binding on both sides.

Employees who are not designated essential may strike after their contract expires and after certain procedural and notice requirements are met. Essential employees cannot legally strike.

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**The legislature has designated some state employee bargaining units as "essential units."**

Employees in units designated as essential cannot legally strike. Instead, impasses in bargaining are resolved through binding arbitration. The state units designated as essential are those covering law enforcement officials (state patrol, DNR game wardens, and Bureau of Criminal Apprehension agents), registered nurses, correctional guards, supervisors, public safety radio communications officers, and professional engineers.

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**Tentative agreements between the state and state employee unions must be approved by the legislature before becoming final.**

Contracts usually are put into effect on a temporary basis after being approved by the Legislative Subcommittee on Employee Relations. This subcommittee forwards approved agreements to the next session of the legislature for final ratification. The legislature can reject a tentative agreement. For more information on the legislative approval process see the House Research publication [Legislative Review of State Employee Collective Bargaining Agreements](#).

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October 2008