

168.1

ARTICLE 12

168.2

PUBLIC EMPLOYMENT RELATIONS BOARD

168.3 Section 1. Minnesota Statutes 2022, section 13.43, subdivision 6, is amended to read:

168.4 Subd. 6. **Access by labor organizations, Bureau of Mediation Services, Public**
168.5 **Employment Relations Board.** Personnel data may be disseminated to labor organizations
168.6 and the Public Employment Relations Board to the extent that the responsible authority
168.7 determines that the dissemination is necessary to conduct elections, notify employees of
168.8 fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel
168.9 data shall be disseminated to labor organizations, the Public Employment Relations Board,
168.10 and to the Bureau of Mediation Services to the extent the dissemination is ordered or
168.11 authorized by the commissioner of the Bureau of Mediation Services or the Public
168.12 Employment Relations Board or its employees or agents.

168.13 Sec. 2. **[13.7909] PUBLIC EMPLOYMENT RELATIONS BOARD DATA.**

168.14 Subdivision 1. **Definition.** For purposes of this section, "board" means the Public
168.15 Employment Relations Board.

168.16 Subd. 2. **Charge and complaint data.** (a) Except as provided in paragraphs (b) and (c),
168.17 all data maintained by the board about a charge of unfair labor practices and appeals of
168.18 determinations of the commissioner under section 179A.12, subdivision 11, are classified
168.19 as protected nonpublic data or confidential data prior to being admitted into evidence at a
168.20 hearing conducted pursuant to section 179A.13. Data that are admitted into evidence at a
168.21 hearing conducted pursuant to section 179A.13 are public unless subject to a protective
168.22 order as determined by the board or a hearing officer.

168.23 (b) Statements by individuals that are provided to the board are private data on
168.24 individuals, as defined by section 13.02, subdivision 12, prior to being admitted into evidence
168.25 at a hearing conducted pursuant to section 179A.13, and become public once admitted into
168.26 evidence.

168.27 (c) The following data are public at all times:

168.28 (1) the filing date of unfair labor practice charges;

168.29 (2) the status of unfair labor practice charges as an original or amended charge;

168.30 (3) the names and job classifications of charging parties and charged parties;

168.31 (4) the provisions of law alleged to have been violated in unfair labor practice charges;

169.1 (5) the complaint issued by the board; and

169.2 (6) unless subject to a protective order:

- 169.3 (i) the full and complete record of an evidentiary hearing before a hearing officer,
169.4 including the hearing transcript, exhibits admitted into evidence, and posthearing briefs;
- 169.5 (ii) recommended decisions and orders of hearing officers pursuant to section 179A.13,
169.6 subdivision 1, paragraph (i);
- 169.7 (iii) exceptions to the hearing officer's recommended decision and order filed with the
169.8 board pursuant to section 179A.13, subdivision 1, paragraph (k);
- 169.9 (iv) party and nonparty briefs filed with the board; and
- 169.10 (v) decisions and orders issued by the board.
- 169.11 (d) The board may make any data classified as private, protected nonpublic, or
169.12 confidential pursuant to this subdivision accessible to any person or party if the access will
169.13 aid the implementation of chapters 179 and 179A or ensure due process protection of the
169.14 parties.
- 169.15 Sec. 3. Minnesota Statutes 2022, section 179A.041, is amended by adding a subdivision
169.16 to read:
- 169.17 Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to meetings of
169.18 the board when it is deliberating on the merits of unfair labor practice charges under sections
169.19 179.11, 179.12, and 179A.13; reviewing a recommended decision and order of a hearing
169.20 officer under section 179A.13; or reviewing decisions of the commissioner of the Bureau
169.21 of Mediation Services relating to unfair labor practices under section 179A.12, subdivision
169.22 11.
- 169.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.