

CHAPTER 7306
PUBLIC EMPLOYMENT RELATIONS BOARD
CODE OF ETHICS

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7306.0100 PURPOSE AND CONSTRUCTION.

The purpose of parts 7306.0100 to 7306.0400 is to preserve the integrity and independence of board decision making and to promote public confidence in the objectivity of board decisions. Board members and staff must maintain high standards of conduct to prevent a conflict or the appearance of a conflict between private interests and official duties. Parts 7306.0100 to 7306.0400 must be construed to secure these objectives in keeping with the quasi-judicial function of the board.

Statutory Authority: *MS s 14.06; 179A.05; 179A.25*

History: *15 SR 2107*

7306.0150 DEFINITIONS.

Except as otherwise provided, the words, terms, and phrases in this chapter have the same meaning and definition as the meaning and definition they are given in part 7300.0100.

Statutory Authority: *MS s 14.06; 179A.05; 179A.25*

History: *15 SR 2107*

7306.0200 CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. General behavior. A board member or employee shall respect and comply with law and take action that promotes public confidence in the integrity and impartiality of the board's decision-making process.

Subp. 2. Actions prohibited. Board members and staff shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

- A. using public office for private gain;
- B. giving preferential treatment to an interested person or entity;
- C. impeding the efficiency or economy of board decision making;
- D. loss of independence or impartiality of action;
- E. making a board decision not based on the evidence in the record;
- F. noncompliance with applicable statutes such as the open meeting law;

and

G. affecting adversely the confidence of the public in the integrity of the board.

Statutory Authority: *MS s 14.06; 179A.05; 179A.25*

History: *15 SR 2107*

7306.0300 QUASI-JUDICIAL RESPONSIBILITIES.

Subpart 1. Inappropriate influences. Board members shall not be swayed by partisan or pecuniary interests, public clamor, or fear of criticism.

Subp. 2. Orderly proceedings, behavior. Board members shall maintain order and decorum in proceedings before the board. In their official capacity, board

members must be patient, dignified, and courteous to litigants, witnesses, lawyers, and others appearing before them. Board members shall require similar conduct from persons appearing before them.

Statutory Authority: *MS s 14.06; 179A.05; 179A.25*

History: *15 SR 2107*

7306.0400 DISQUALIFICATION.

Board members shall disqualify themselves from participating in decisions on issues and appeals before the board if they:

A. have a personal bias or prejudice concerning a party; or

B. have a direct interest, pecuniary or otherwise, that could be substantially affected by the outcome of the proceeding.

Statutory Authority: *MS s 14.06; 179A.05; 179A.25*

History: *15 SR 2107*

BOARD ADMINISTRATIVE PROCEDURES

7306.0500 OFFICERS AND DUTIES.

Subpart 1. **Officers.** The officers of the board are the chair and vice-chair.

Subp. 2. **Electing the chair and vice-chair.** The chair and vice-chair shall be elected annually by the majority vote of all the board members. The vote shall be taken at the board's April meeting and the chair and vice-chair shall serve a one-year term beginning May 1 of each year.

Subp. 3. **Vacancies.** Upon a vacancy in the office of the chair, the vice-chair shall serve as chair until a new chair is elected at the next regular meeting of the board. Upon a vacancy in the office of vice-chair, a new vice-chair shall be elected at the next regular meeting of the board.

Subp. 4. **Removal.** The chair and vice-chair may be removed from office by the majority vote of all the members of the board. This vote must be taken at the next regular meeting following the motion for removal.

Subp. 5. **Duties of chair.** The chair is the chief administrative officer of the board and shall preside at meetings of the board. The chair shall sign letters and other documents approved by the board pursuant to law on behalf of the board, and may authorize the executive director to sign letters and documents on the chair's behalf. The chair shall represent and speak for the board to the public, members of the branches of state government, and other organizations.

Subp. 6. **Duties of vice-chair.** The vice-chair shall discharge the duties of the chair during the absence or disability of the chair and perform other duties as the chair desires.

Statutory Authority: *MS s 14.06; 179A.05; 179A.25*

History: *15 SR 2107*

7306.0600 MEETING.

Subpart 1. **Meeting time.** The board shall meet on the second Thursday of each month at a time and place set by the board if a quorum is present. If a quorum is not possible for that date, the board must reschedule the meeting according to the open meeting law under Minnesota Statutes, section 471.705.

Subp. 2. **Quorum.** Three members are a quorum. To conduct official business at a meeting, the quorum must consist of one member who represents the public at large, one member who represents public employees, and one member who represents public employers.

Subp. 3. **Agenda notice.** The meeting agenda must be posted according to the open meeting law, Minnesota Statutes, section 471.705, at least three days before the meeting on the principal bulletin board at the board's office. The agenda must include the date, time, place, and purpose of the meeting.

Subp. 4. **Distribution of agenda.** At least three days before its meeting, the board must mail the agenda according to the open meeting law to each individual or association who has filed a written request or otherwise notified the board requesting notice of the board meeting.

Subp. 5. **Presiding officer.** The chair or vice-chair, in absence of the chair, shall preside at board meetings and shall determine the limits of time and the relevancy of discussion or debate on any matter before the board.

Subp. 6. **Voting.** A majority vote of the members present at the meeting is necessary to make any decision, except as provided in part 7306.0500, subparts 2 and 4.

Subp. 7. **Meeting minutes and open meeting law.** Full and accurate minutes of the meeting must be kept. Minutes must be approved at the next board meeting. Approved minutes must be available to the public. The meeting must be conducted in compliance with the open meeting law.

Subp. 8. **Reconsideration of a decision.** Any decision of the board may be reconsidered, if a board member who voted on the prevailing side makes a motion for reconsideration.

Subp. 9. **Parliamentary procedure.** Except as specifically provided in this chapter, Scott Foresmans' Robert's Rules of Order, Newly Revised, Henry M. Robert, author, and Scott Foresman, Glenview, Illinois, publisher, 1981 publication date is incorporated by reference and is applicable and shall govern any question of parliamentary procedure that may arise at any meeting of the board. The rule is not subject to frequent change and is available for inspection and copying at the Minnesota State Law Library, 117 University Avenue, Saint Paul, Minnesota 55155.

Statutory Authority: *MS s 14.06; 179A.05; 179A.25*

History: *15 SR 2107*