

**5510.0510 LIMITATION ON FILING PETITION.**

Subpart 1. **Contract bar.** If there is an exclusive representative and a labor contract in effect, the commissioner shall consider a petition for clarification, decertification, representation, or certification only:

A. when it is submitted during the open-window period or after the expiration date in the contract;

B. when it is submitted jointly by the employer and the exclusive representative;  
or

C. when the commissioner determines that the interests of good labor relations policy warrant consideration of the petition during the life of the existing contract.

Subp. 2. **One-year election bar.** When a certification election, representation election, or decertification election has been held, no petition seeking an election shall be entertained for a one-year period from the date the commissioner has issued the order certifying the results of the election.

Subp. 3. **Transfer bar.** The commissioner shall not entertain a petition for transfer of exclusive representative status for a one-year period from the date of certification or from the date of transfer of exclusive representative status.

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 certification, representation, or decertification shall not be considered following certification of impasse. 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.

Subp. 5. **Fair share fee challenge.** A petition challenging the fair share fee assessment must be received by the commissioner no later than 30 days after receipt of the written notice of assessment by the petitioner and must be accompanied by the proper filing fee.

Subp. 6. **Constitution and bylaws.** A current copy of the employee organization's constitution or bylaws, unless on file with the commissioner, must accompany the following petitions:

- A. certification election;
- B. representation election;
- C. amendment of certification; and
- D. transfer of exclusive representative status.

Subp. 7. **Petitions filed with commissioner.** All petitions concerning representation matters or fair share fee challenges shall be filed with the commissioner in person, by mail, or by facsimile.

**Statutory Authority:** *MS s 179A.04*

**History:** *9 SR 735; L 1987 c 186 s 15; 23 SR 1564*

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