

5510.0510 LIMITATION ON FILING PETITION.

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

A. petition is submitted during the open-window period or after the contract's expiration date;

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

C. commissioner determines that the interests of good labor relations warrant the commissioner to consider the petition during the life of the existing contract.

Subp. 2. **One-year election bar.** Unless otherwise provided under Minnesota Statutes, section 179A.12, subdivision 12, when a certification election, representation election, or decertification election has been held, a petition seeking an election must not be entertained for a one-year period from the date the commissioner has issued the order certifying the election results.

Subp. 3. **Transfer bar.** The commissioner may 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.**

A. A petition raising a question of certification, representation, or decertification must not be considered after an impasse has been certified if:

(1) there is an exclusive representative and an effective labor contract; and

(2) an impasse in negotiating a successor contract has been certified for arbitration under Minnesota Statutes, section 179A.16, subdivision 1 or 2.

B. A bar under item A continues until the arbitration award is issued and a contract is executed according to Minnesota Statutes, section 179A.20, subdivision 1.

Subp. 5. [Repealed, 46 SR 1387]

Subp. 6. **Constitution and bylaws.** Unless on file with the commissioner, a copy of the employee organization's constitution or bylaws in effect at the time of petition 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 served on commissioner.** All petitions concerning representation matters under parts 5510.0110 to 5510.2310 must be served on the commissioner.

Statutory Authority: *MS s 179.02; 179.82; 179A.04; 179A.16; 626.892*

History: *9 SR 735; L 1987 c 186 s 15; 23 SR 1564; 46 SR 1387*

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