



Minnesota Department of **Human Services**

To: Personal Care Assistance (PCA) Choice Agencies and Fiscal Support Entities
From: Minnesota Department of Human Services
Subject: Bureau of Mediation Services Orders
Date: December 7, 2016

Workers who provide Consumer Directed Community Supports (CDCS), Consumer Support Grant (CSG) and Personal Care Assistance (PCA) Choice programs are exclusively represented by the Service Employees International Union (SEIU). The terms and conditions of their employment are governed by a labor agreement in effect from July 1, 2015, through June 30, 2017.

The Bureau of Mediation Services (BMS) has received a petition requesting decertification of SEIU as the exclusive representative of those workers. Until that issue is resolved, BMS has issued two orders (see attachments that follow this memo) that PCA Choice agencies and Fiscal Support Entities must comply with.

Action Required

The first BMS order, dated December 5, 2016, requires PCA Choice provider agencies and Fiscal Support Entities to:

- continue to comply with the terms and conditions of the current labor agreement with SEIU and
- maintain neutrality in regard to the decertification petition.

The second BMS order, dated December 6, 2016, notifies workers that an election may occur if the petitioners meet certain conditions.

Both orders require posting the order at the work location of workers in the bargaining unit. To fulfill this requirement, you must send a copy of both orders to all workers providing, CDCS, CSG or PCA Choice services.

Direct any questions about these orders to the Bureau of Mediation Services through Janet Johnson at 651-649-5426 or janet.johnson@state.mn.us.

We appreciate your help complying with the BMS orders, maintaining the terms and conditions of the current labor agreement, and participating in Minnesota Health Care Programs.

Thank you.



Bureau of Mediation Services

STATE OF MINNESOTA

IN THE MATTER OF A PETITION FOR
DECERTIFICATION OF AN EXCLUSIVE
REPRESENTATIVE

December 5, 2016

Certain Employees of Minnesota Department of Human Services, St. Paul, Minnesota
- and -
SEIU Healthcare Minnesota, St. Paul, Minnesota
- and -
State of Minnesota, Minnesota Management & Budget (Department of Human Services), St. Paul,
Minnesota

BMS Case No. 17PDE0404

MAINTENANCE OF STATUS QUO ORDER

A petition requesting decertification as exclusive representative was filed with the State of Minnesota, Bureau of Mediation Services on December 2, 2016, by Certain Employees of State of Minnesota, MN Management & Budget St. Paul, Minnesota. The petition raises questions as to the majority status of the following described employee unit presently represented by, SEIU Healthcare Minnesota, St. Paul, Minnesota:

Subd. 8. Appropriate unit. The only appropriate unit for individual providers shall be a statewide unit of all individual providers. The unit shall be treated as an appropriate unit under section 179A.10, subdivision 2. Individual providers who are related to their participant or their participant's representative shall not for such reason be excluded from the appropriate unit.

This Order is issued to preserve existing conditions and promote a free and fair environment for the resolution of this question of representation. This Order is applicable to all employees within the above described employee group. It shall remain in full force and effect until an investigation and/or hearing has been conducted and the matter is disposed of by a determination issued by the Commissioner of the Bureau of Mediation Services.

1380 Energy Lane, Suite 2, St. Paul, Minnesota 55108-5253
651-649-5421 | FAX: 651-643-3013 | TTD: 1-800-627-3529 | mn.gov/bms

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ORDER

1. Wages, hours and all existing conditions of employment of the employees shall not be changed as of the date of this Order.
2. Negotiations shall not be carried on.
3. Threats or promises as to changes in wages, hours and conditions of employment are prohibited.
4. Employees shall not be questioned by the employer with respect to membership in a labor organization.
5. Employees shall not be discriminated against as a result of the filing of the petition.

This Order shall not conflict with provisions of an existing labor-management contract or applicable law.

STATE OF MINNESOTA
Bureau of Mediation Services

Carol S. Clifford

CAROL S. CLIFFORD
Representation Specialist

cc: Doug Seaton
Brendan Cummins
Phillip Cryan
Charles Johnson
Sara Schultz
Amy Akbay
Valerie Darling
Jennifer Park

POSTING

THE EMPLOYER SHALL MAKE COPIES OF THIS ORDER AND ANY ATTACHMENTS UPON RECEIPT AND POST AT THE WORK LOCATION(S) OF ALL INVOLVED EMPLOYEES.



Bureau of Mediation Services

STATE OF MINNESOTA

IN THE MATTER OF A PETITION
FOR DECERTIFICATION OF AN
EXCLUSIVE REPRESENTATIVE

December 6, 2016

Certain Employees of Minnesota Department of Human Services, St. Paul, Minnesota
- and -
SEIU Healthcare Minnesota, St. Paul, Minnesota
- and -
State of Minnesota, Minnesota Management & Budget (Department of Human Services), St. Paul, Minnesota

BMS Case No. 17PDE0404

DECERTIFICATION UNIT DETERMINATION ORDER

INTRODUCTION

On December 2, 2016, the State of Minnesota, Bureau of Mediation Services (Bureau), received a petition filed by Certain Employees of State of Minnesota, MN Management & Budget, St. Paul, Minnesota (Certain Employees). The petition raised questions as to the majority status of a certain group of employees of State of Minnesota, MN Management & Budget, St. Paul, Minnesota (Employer), currently represented by , SEIU Healthcare Minnesota, St. Paul, Minnesota (Union).

DISCUSSION

Minn. Stat. 179A.12, subd. 3, states in pertinent part:

Obtaining elections. ...An individual employee or group of employees in a unit may obtain a decertification election upon petition to the Commissioner stating the certified representative no longer represents the majority of the employees in an established unit and that at least 30 percent of the employees wish to be unrepresented.

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Minnesota Rules Part 5510.0510 provides that decertification petitions may be filed during the open-window period of the labor contract which is 270 to 210 days prior to the expiration date of the contract.

The petition states that the current contract between the Union and the Employer will expire on July 1, 2017. Therefore, the petition filed by Certain Employees is timely. The Bureau shall conduct a mail-ballot election among the employees falling within the appropriate unit certified to the Union if Certain Employees has provided the initial appropriate 30% showing of interest.

Minn Stat. 179A.03 Subd. 8. Appropriate unit. The only appropriate unit for individual providers shall be a statewide unit of all individual providers. The unit shall be treated as an appropriate unit under section 179A.10, subdivision 2. Individual providers who are related to their participant or their participant's representative shall not for such reason be excluded from the appropriate unit.

ISSUES

1. Is the petition timely?
2. Has Certain Employees has submitted the required showing of interest to warrant the conduct of an election?

FINDINGS AND ORDERS

1. The petition filed by Certain Employees is timely and appropriate.
2. Certain Employees has submitted the required initial showing of interest, through valid deauthorization cards to proceed.
3. The Employer shall submit to the Bureau **no later than 12 Noon on Friday December 16, 2016**, a list of employees falling within the above-described appropriate unit as of November 30th, 2016, including home-mailing addresses. **This list shall be in electronic format (preferably Word or Excel) and e-mailed to janet.johnson@state.mn.us**
4. All parties shall review the list and address any comments, in writing, to the Bureau **no later than Tuesday, December 27, 2016**. If there are no objections to the list of employees, the Bureau will proceed with a mail-ballot election.

5. The Maintenance of Status Quo Order issued by the Bureau on December 5, 2016, shall remain in full force and effect.

STATE OF MINNESOTA
Bureau of Mediation Services



JANET L. JOHNSON
Labor Mediation Manager

cc: Brendan Cummins
Phillip Cryan
Charles Johnson
Sarah Schultz
Amy Akbay
Valerie Darling
Jennifer Park
Doug Seaton

POSTING

**THE EMPLOYER SHALL MAKE COPIES OF THIS ORDER AND ANY ATTACHMENTS
UPON RECEIPT AND POST AT THE WORK LOCATION(S) OF ALL INVOLVED
EMPLOYEES.**