PART III
PERSONNEL MANAGEMENT

CHAPTER 9: PERSONNEL MANAGEMENT STRUCTURES

I. Administering a personnel system 1:3
- A. Data practices 1:3
- B. Recordkeeping 1:4
- C. Responsibility for personnel procedures 1:4
- D. The personnel-management team 1:5
- 1. Unionization and management rights 1:6
- 2. Fiscal responsibilities 1:6
- 3. Management roles 1:6

II. Choosing a personnel system 1:7
- A. Personnel policies 1:7
- B. Civil-service laws 1:8

III. Public Employment Labor Relations Act (PELRA) 1:10
- A. Who does PELRA cover? 1:10
- B. Types of employees and their rights to arbitration or strike 1:11
- 1. Essential employees 1:11
- 2. Confidential and supervisory employees 1:11
- 3. Non-essential employees 1:12
- C. Bargaining 1:13
- D. Labor agreements and past practices 1:14
- E. Unfair labor practices 1:14
- F. Arbitration 1:14

IV. Relationship between PELRA and civil service 1:15

This chapter last revised 4/28/2009

1. Personnel management structures

The cost of labor is the biggest part of any county's budget, making personnel administration of the utmost importance. This chapter addresses the basics of personnel-management structures, why counties need a personnel-administration system, what systems are available, and the impact of the Public Employment Labor Relations Act (PELRA) on personnel management.

This chapter addresses the following issues.

I. Administering a personnel system

II. Choosing a personnel system

III. Public Employment Labor Relations Act (PELRA)

IV. Relationship between PELRA and civil service

I. Administering a personnel system

Minn. Stat. § 375.56

Counties can create departments and advisory boards and appoint officers, employees, and agents to manage and operate city affairs. Boards have a wide range of discretion for developing an organizational structure and for hiring employees to carry out their policies, programs, and services.

In developing a personnel system, the board must be aware of legal limitations relating to personnel management. These include public employees' bargaining rights, minimum-wage laws, and anti-discrimination statutes.

A. Data practices

Minn. Stat. ch. 13.

Counties should exercise care in maintaining and releasing data on employees to avoid violating the Minnesota Government Data Practices Act (MGDPA).

Minn. Stat. § 13.43.

The MGDPA provides that all data on personnel is private, unless classified by law as public. This means that members of the public have access only to data on employees and former employees that is specifically made public by state law.

B. Recordkeeping

Various state and federal laws require employers to keep certain data about employees. This information is personnel data. Personnel data are pieces of information collected about someone because the person is or was employed or applied for employment with the county. In addition, information about a person who performs services on a voluntary basis for the county, or who acts as an independent contractor for the county, or who is a member of a county advisory board or commission, may also be considered personnel data.

Most personnel files contain a combination of public and private information, as classified by the MGDPA. To ensure that personnel data are treated in accordance with how they are classified, counties often store personnel files in locked file cabinets in order to more easily monitor access. Counties also should have separate files for each employee: an employee file, a medical file, and a payroll file.

The employee file, also known as the personnel file, is where job-related information about an employee should be stored. It would include the employee's application, resume, offer of employment, performance evaluations, records of any discipline, training records, and the like.

A separate file should be created for employee-medical information, which in most cases is classified as private data. This file would contain information like medical-benefit-enrollment forms, emergency contacts, workers' compensation claim information, sick-leave forms, physician's notes, prescription information, and any documents pertaining to the Family and Medical Leave Act and the Americans with Disabilities Act.

The payroll file is used for storing pay-related information, including Forms W-4, attendance records, time sheets, and any forms authorizing payroll deductions. The payroll file is usually stored in the county's finance or accounting department, if there is one.

C. Responsibility for personnel procedures

Under the default county organization and the At-Large Chair plan (see Chapter 3), the county board is responsible for personnel administration. It has the authority and responsibility to hire and fire personnel; determine working conditions; set salaries; and establish policies regarding promotions, vacations, training opportunities, and fringe benefits.

A.G. Op. 624a-3 (Nov. 2, 1998); A.G. Op. 471f (Oct. 24, 1961).

Nelms v. Civil Service Comm'n, 300 Minn. 319, 220 N.W.2d 300 (Minn. 1974); *Muehring v. Sch. Dist. No. 31*, 224 Minn. 432, 28 N.W.2d 655 (Minn. 1947); *Jewell Belting Co. v. Village of Bertha,* 91 Minn. 9, 97 N.W. 424 (Minn. 1903); *Minneapolis Gas-Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (Minn. 1886).

Absent specific statutory authority, a county board may not delegate its responsibility for hiring and firing personnel, determining working conditions, setting salaries, and establishing personnel policies. Boards may delegate to others only those functions that do not involve the exercise of discretionary administrative power. Merely ministerial functions, including day-to-day supervision of employees, however, may be delegated to an officer or committee.

While the board must make the final decisions in these matters, it should consider the studies and recommendations of administrative officers, committees, or other advisory bodies. No matter which system a county uses, it should review and update personnel policies on a continuous basis. The board should re-evaluate the county's personnel policies at least once a year.

Minn. Stat. § 375A.02 subd. 3; Minn. Stat. § 375A.03 subd. 3

Under the Elected Executive and County Manager plans (see Chapter 3), direct responsibility for personnel administration rests with the county executive or manager. The board establishes basic policies and exercises general oversight for administrative activities.

Minn. Stat. § 375A.06 subd. 4; Minn. Stat. § 375A.08 subd. 1

Under the County Administrator and County Auditor-Administrator plans (see Chapter 3), the main responsibility for personnel administration rests with the county administrator, but s/he must obtain board approval for personnel decisions.

In counties that have adopted a civil-service system, the personnel department usually supervises the hiring, promotion, demotion, suspension, and discharge of county employees.

D. The personnel-management team

A county administrator and the board must define personnel-management objectives and their respective roles. Personnel management is increasingly important in local government for many reasons, including the following.

1. Unionization and management rights

Collective bargaining has been a major influence on public salaries and working conditions. In responding to union requests, management's objectives should be to represent the best interests of the county's constituents. Management must ensure negotiated settlements do not exceed the county's financial ability to pay. Management should also oppose any infringement of management rights. For purposes of collective bargaining, negotiable terms and conditions of employment, exclude matters of inherent management policy including organizational structure and reorganizations. Nevertheless in many counties, management and unions have developed good working relationships that emphasize open discussion to address issues of mutual concern.

City of Winona v. Law Enforcement Labor Services, Inc., No. C3-96-1433 (Minn. Ct. App. Jan. 14, 1997) (unpublished decision).

2. Fiscal responsibilities

In many counties, more than 60 percent of the operating budget may be devoted to personnel—wages, benefits, recruitment, hiring, and training. Ineffective personnel management, such as uncontrolled pay plans, ineffective hiring procedures, inefficient departmental organization, and poorly administered personnel policies, can be an unnecessary drain on resources.

3. Management roles

Administrators and board members often need to react to personnel pressures on a piecemeal basis. This approach, however, may undermine important organizational goals. Consider the department head who attempts to address an employee's salary demands by taking those demands to the county board. In general, salaries should be based on a classification and pay plan, changing only when the employee assumes a position in a different classification or is eligible for a step or merit increase. In this instance, the department head has not been effective in representing and administering the organization's pay philosophy and plan, and has confused the roles of manager and policy-maker.

Personnel management is not easy. It requires a cooperative effort in developing objectives and defining management roles. To achieve management objectives, the personnel system should include a classification and pay plan, job descriptions, performance appraisals, comprehensive personnel policies and procedures, an efficient documentation procedure, and a record-keeping system.

II. Choosing a personnel system

E. Personnel policies

Most counties operate their personnel system through the use of a locally adopted personnel-policies manual rather than through a formal civil-service program. Both systems select, promote, and retain public employees on the basis of individual abilities and performance.

Erickson v. Cannon Valley Co-Op, No. C8-98-1934, (Minn. Ct. App. May 4, 1999) (unpublished decision).

Counties should adopt their personnel policies by motion in the form of a policy manual or handbook instead of by adopting an ordinance. This will give counties more flexibility in stating the terms, conditions, privileges, and responsibilities of employment and in making changes to their policies.

Kotera v. Natrogas, Inc., C7-00-47 (Minn. Ct. App. Aug. 22, 2000); *Pine River State Bank v. Mettille*, 333 N.W.2d 622 (Minn. 1983); *Hunt v. IBM Mid Am. Employees Fed. Credit Union*, 384 N.W.2d 853 (Minn. 1986); *Feges v. Perkins Restaurants, Inc.*, 483 N.W.2d 701 (Minn. 1992).

Williams v. City of Truman, No. CO-97-1366 (Minn. Ct. App. Feb 3, 1998) (unpublished decision).

Even personnel policies or employee handbooks that have not been adopted by ordinance may create a contract between the county and its employees. The inclusion of a clear and unambiguous disclaimer stating that the contents of the policies or handbook do not constitute a contract and are not binding on the employer will strengthen the county's argument that the policies do not create a contract. The disclaimer should also state that the employment relationship is at-will. The county's attorney should draft or review this type of disclaimer.

Martens v. Minn. Mining & Mfg. Co., 616 N.W.2d 732 (Minn. 2000).

An employer's written and oral statements may rise to the level of a unilateral contract. Vague and indefinite statements do not constitute a unilateral contract.

Personnel policies provide the guidelines necessary to keep the county functioning smoothly from a human-resources perspective. Personnel policies emphasize securing the most qualified county employees. They may use competitive examinations for appointment and promotion, but they supplement these with more informal methods of determining an applicant's qualifications. They place less emphasis on guaranteed tenure. Usually an appointed official, rather than an independent commission, administers the system.

The primary difference between the two systems is the amount of discretion that can be exercised by the appointing agency—i.e. the county administrator or the board. Personnel policies provide rules and procedures for the selection and appointment of county employees, but they place fewer restrictions on the ultimate discretion of the appointing authority.

Civil-service systems limit appointing authorities to the selection of an appointee from a certified list of people who have passed the civil-service examination provided by the civil-service commission. In addition, more limitations are placed on the removal of unsatisfactory employees.

Because of their greater flexibility, many counties prefer personnel-policy manuals. Furthermore, most authorities on personnel management currently recommend putting greater emphasis on selecting qualified personnel, and less on preventing undesirable practices.

A personnel system should determine the policies and procedures for hiring and retaining competent employees. It should not unduly hinder or restrict administrative officials in the exercise of their discretion. Counties can accomplish these goals using either personnel policies or a civil-service system.

F. Civil-service laws

Minn. Stat. §§ 375.56 - 71

State statutes set rules for civil-service programs. The main statutes that apply to counties are Minn. Stat. §§ 375.56 - 71. There are also additional statutes which apply to more specific groups: Minn. Stat. §§ 144.071 (health employees), 256.012 (human service employees), and 387.31-387.45 (employees in the sheriff's department).

The civil-service rules laid out in Minn. Stat. §§ 375.56 - 71 call for the board to create a personnel department and an independent personnel board of appeals of three people serving staggered three-year terms. The personnel director is responsible for establishing the classification system to be used for hiring. The personnel board of appeals hears appeals of the department's policies or its application of those policies.

Minn. Stat. § 375.60

The personnel department has the following duties:

- Establishing procedures for the recruitment, selection and advancement of personnel on the basis of relative ability, knowledge and skills.
- Establishing procedures assuring nondiscriminatory and fair treatment of applicants and employees without regard to political affiliation, race, color, national origin, sex, or religious creed.
- Preparing a classification plan and classification of positions within the jurisdiction of the department.
- Preparing a compensation plan and schedule of salary or wage rates for adoption by the county board.

- Holding competitive examinations to determine the qualifications of persons seeking employment.
- Creating and maintaining lists of eligibles.
- Establishing programs for training and continuing education of employees as deemed appropriate by the county board..
- Establishing procedures for suspension, termination or other disciplinary actions.
- Conducting hearings on dismissals.

Minn. Stat. § 375.58 subd. 2

Certain types of employees are excluded from this system, including:

- Elected positions.
- Positions for which a county or district court judge is the appointing authority.
- Positions designated as department heads appointed by the county board.
- Positions designated as department heads appointed by boards or commissions appointed by the county board.
- One position designated by each elected department head as a chief or principal assistant.
- One position designated by each elected department head as a personal secretary.

Minn. Stat. § 375.58 subd. 3

Additionally, there are certain positions which *may* be excluded, at the option of the county board:

- Any positions subject to merit systems established pursuant to sections 144.071, 256.012, and 387.31 to 387.45.
- Positions designated as temporary or seasonal.
- Positions held by special deputies and volunteers serving without pay.
- Positions held by students in training.

Anderson v. City of Minneapolis, 363 N.W.2d 886 (Minn. Ct. App. 1985).

A.G. Op. 120 (Apr. 26, 1960).

When a civil-service system is in effect, all applicants for covered positions must pass a competitive exam that is impartial, fair, and tests only the relative qualifications and fitness of the applicants for a specific position. Appointing authority (county board or administrator) may only appoint a person from a certified list of names the personnel department provides. The department never makes the actual appointment.

Minn. Stat. § 375.60

The county statutes do not have any specific requirements regarding the termination or suspension of employees. It is the personnel department's responsibility to establish procedures for suspension, termination or other disciplinary actions

Minn. Stat. § 375.68

The system defined by Minn. Stat. §§ 375.56 – 71 is fairly easy for the board to abandon. It may be abolished at any time by resolution of the county board. Upon adoption of the resolution, the personnel department shall cease to exist and the status of all departments, commissions, and employees shall be the same as if no personnel administration system had been established.

III. Public Employment Labor Relations Act (PELRA)

Minn. Stat. ch. 179A.

Minnesota's comprehensive Public Employment Labor Relations Act (PELRA) is important to public-employee bargaining and labor relations in all counties. However, coverage under the law does not automatically require that employees receive certain benefits or other terms of employment. It merely governs the employee-employer relationship.

G. Who does PELRA cover?

Minn. Stat. § 179A.03, subd. 14.

PELRA covers virtually all state and local public employees except elected officials, election officers, emergency employees who are employed for emergency work caused by natural disaster, employees in part-time positions who work less than 14 hours per week or 35 percent of the normal workweek in the employee's appropriate unit, temporary or seasonal employees in positions lasting less than 67 working days in any calendar year, part-time employees working less than 100 days if they are under the age of 22 and full-time students, and employees of charitable hospitals. Volunteer firefighters who work 35 percent of the normal workweek for volunteer firefighters are eligible to be covered by PELRA.

A.G. Op. (May 3, 1979).

A seasonal employee becomes a public employee subject to PELRA on the sixty-eighth day of employment within a calendar year. This status is not retroactive to the first day of employment. Further, the law measures the position, not the individual incumbent. Thus, hiring five employees in sequence for 20 days each will not avoid PELRA coverage.

Minn. Stat. § 179A.06.

Minn. Stat. § 179A.06, subd. 6.

All employees covered under the law are free to join or not to join employee organizations. The organizations may require non-members to pay a fair-share fee for services, and they may require the employer to provide a dues-check-off payroll system. Where there is no exclusive representative (union), employees may request a dues-check-off payroll system for the employees' organization of their choice.

Minn. Stat. § 179A.06, subd. 3.

The amount of the fair-share fee is equal to the regular membership dues, less the cost of benefits financed through the dues and available only to members of the exclusive representative. The fee cannot exceed 85 percent of the regular membership dues. The union must give advance written notice of the amount of the fair-share fee to the county, the director of mediation services, and to those employees within the bargaining unit. An employee may challenge the amount of the fee.

Minn. Stat. § 179A.12, subd. 10.

An employee organization that represents a majority of employees in a unit may be certified as the exclusive representative for all employees in the unit, and must be so certified if it receives a majority of votes cast in an election. The commissioner of the Bureau of Mediation Services (BMS) determines units, supervises elections, and has developed rules and regulations governing these activities. Certification cannot occur again for at least a year, except in cases of decertification by a court of competent jurisdiction, or by the commissioner.

H. Types of employees and their rights to arbitration or strike

PELRA creates four types of employees—essential, non-essential, confidential, and supervisory.

1. Essential employees

Minn. Stat. § 179A.03, subd. 7.

Minn. Stat. § 179A.16, subds. 2, 7.

City of Richfield v. Local No. 1215, 276 N.W.2d 42 (Minn. 1979).

Essential county employees are firefighters; police officers subject to licensure; confidential employees; supervisory employees; 911 dispatchers and police and fire department dispatchers; assistant county attorneys; and hospital employees. Essential employees do not have the right to strike. Arbitration is binding in all cases involving these employees. Either party may petition for arbitration. The courts have held that compulsory binding arbitration is constitutional.

Minn. Stat. § 179A.18, subd. 1.

Because essential employees may not strike, arbitration is their only remedy if negotiation or mediation fails.

Confidential and supervisory employees

The term "confidential employee" means any employee who, as part of the their job duties satisfies either of the following criteria:

American Fed'n of State, County & Mun. Employees v. City of Plymouth, 563 N.W.2d 79 (Minn. Ct. App. 1997).

- Has access to labor-relations information the public employer uses in meeting and negotiating.

Minn. Stat. § 179A.03, subd. 4.

- Actively participates in meeting and negotiating on behalf of the county.

A "supervisory employee" is any person who has authority to undertake a majority of the following supervisory functions:

- Hiring, transferring, suspending, promoting, discharging, assigning, rewarding or disciplining other employees, or directing them or adjusting their grievance on behalf of the county, or recommending any of these actions.

Minn. Stat. § 179A.03, subd. 17.

To be considered a supervisory employee, this authority must not be merely routine or clerical in nature, but must require the use of independent judgment. The administrative head and that person's assistant of a county, municipal utility, or a police or fire department, are supervisory employees.

Minneapolis Ass'n of Administrators & Consultants v. Minneapolis Special Sch. Dist. No. 1, 311 N.W.2d 474 (Minn. 1981).

The county has broad discretion in granting supervisory powers to its employees. To remove a worker from a non-supervisory bargaining unit and designate the employee as supervisory, the employer must either get the prior written agreement of the union and the written approval of the director of the BMS, or a separate determination from the director before the redesignation takes effect. Any employee or the union may appeal a determination of supervisory employee to the PELRA board.

Minn. Stat. § 179A.03, subd. 17.

Minn. Stat. § 179A.09, subd. 2.

The same employee organization or an affiliate of the organization cannot represent both non-supervisory and supervisory employees of the same employer, except with essential employees. Therefore, the same employee organization cannot represent a county's non-supervisory public works employees and the public works supervisory employees, but it can represent a county's police officers and its police supervisory employees.

In re Petition for Clarification of an Appropriate Unit, 555 N.W.2d 552 (Minn. Ct. App. 1996).

Confidential and non-confidential supervisory employees can be in the same bargaining unit.

2. Non-essential employees

Minn. Stat. § 179A.18, subd. 1.

Non-essential employees are PELRA-covered public employees who are not essential, supervisory, or confidential employees. Only non-essential employees can strike, but only under either of the following conditions:

- The labor agreement has expired or if there is no agreement, impasse has occurred, and the union and the employer have participated in mediation for at least 45 days (mediation begins when the director of the BMS receives a request for mediation).
- The employer refuses to comply with a valid decision of a binding arbitration panel or arbitrator.

Minn. Stat. § 179A.18, subd. 3.

Whatever the reason for the strike, the union must give written notification of intent to strike to the employer and the director of the BMS at least 10 days before the strike is to begin. The union may not serve the notice until the collective-bargaining agreement has expired, or if there is no agreement, on or after the date impasse has occurred in the mediation process.

Minn. Stat. § 179A.16, subd. 1.

Minn. Stat. § 179A.16, subd. 7.

Non-essential employees cannot petition for binding arbitration. Arbitration can only take place if the BMS declares an impasse. One party then requests arbitration, and the other party accepts. Mutual agreement is necessary for arbitration to take place. Neither party can force arbitration with non-essential employees. If arbitration takes place, the arbitration panel's decision and order shall be final and binding on all parties.

I. Bargaining

Minn. Stat. § 179A.07, subd. 2.

Minn. Stat. § 179A.03, subd. 19.

Bargaining only covers grievance procedures and the terms and conditions of employment. Conditions of employment are the hours of employment, compensation, fringe benefits (except retirement contributions or benefits), and the employer's personnel policies affecting working conditions.

Minn. Stat. § 179A.07, subd. 1.

Minn. Stat. § 179A.20, subd. 4.

Employers do not need to bargain about matters of "inherent managerial policy" including functions and programs of the employer; the over-all budget; technology use; organizational structure; and selection, direction, and number of personnel. All contracts must include a grievance procedure for compulsory binding arbitration of grievances.

City of Winona v. Law Enforcement Labor Services, Inc., No. C3-96-1433 (Minn. Ct. App. Jan. 14, 1997) (unpublished opinion).

An employer is free to establish, change or eliminate any term or condition of employment not covered by a labor agreement without negotiations with a union.

Counties should include the following key elements of management rights in their labor agreements in order to protect their ability to make key labor decisions:

- County labor agreements should include a paraphrase of management rights of PELRA along with the following provision: "Any terms or conditions of employment not specifically established by this labor agreement shall remain solely within the rights of the county to establish, modify, or eliminate."
- Labor agreement should also define a grievance as a dispute or disagreement concerning the interpretation or application of the specific terms and conditions of the written agreement.
- Finally, labor agreements should include a waiver article stating that all prior agreements, practices or policies regarding terms and conditions of employment inconsistent with the present labor agreement are superseded.

Minn. Stat. § 179A.07, subd. 1.

St. Paul Firefighters, Local 21 v. City of St. Paul, 336 N.W.2d 301 (Minn. 1983).

Counties should be aware of conflicting decisions concerning bargaining. Several arbitrators in Minnesota have reached different conclusions on whether a public employer that bargains one time on a subject must continue to bargain (and therefore arbitrate) that subject. Until arbitrators resolve this issue, counties should be cautious when considering whether to bargain about permissive subjects because the decision may be irreversible.

Minn. Stat. § 13D.03.

The county board may, by majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations. At the public meeting, the board must announce the time and place of the closed meeting. A written record of all members of the board and all other people present at the closed meeting must be available to the public after the meeting. The board must record the proceedings, at county expense, and must preserve the tape for two years after the parties sign the contract. The recording must be available to the public after all labor contracts are signed for the current budget period.

Minn. Stat. § 179A.20, subd. 3.

Labor agreements are to take the form of a written contract or memorandum of agreement, containing the agreed upon terms and conditions of employment. The agreement cannot be for longer than three years, and the negotiating parties must agree to the length of time it will be in effect.

J. Labor agreements and past practices

Ramsey County v. AFSCME, Council 91, Local 8, 309 N.W.2d 785 (Minn. 1981).

In some instances, past behavior of the parties can supersede clearly stated provisions in a collective-bargaining agreement. Thus, the real contract is not only what is in writing, but also what the parties have done and are doing. Court rulings on this subject require counties to examine their current and proposed employment practices, and how they implement and administer labor agreements.

K. Unfair labor practices

Minn. Stat. § 179A.13, subd. 1.

A number of actions constitute unfair labor practices. Either party or any person or organization aggrieved by such practices may seek injunctive relief and damages in district court.

L. Arbitration

Minn. Stat. § 179A.20, subd. 6.

Arbitration occurs when negotiations with essential employees have been declared at an impasse by the director of the BMS, or when non-essential employees and management mutually agree to binding arbitration.

Minn. Stat. § 179A.16, subd. 4.

The BMS maintains a list of names of arbitrators with experience and training in labor-management negotiations and arbitration. From this list, the BMS submits seven names to the parties for an alternate strike-off process that results in an arbitrator being selected. Alternately, the parties may simply agree on a particular arbitrator.

Because labor costs are the highest percentage of a county budget, removal of control over the cost of labor from the hands of county officials can complicate the budgetary process.

In re Arbitration of City of St. Paul v. AFSCME Council 14, 567 N.W.2d 524 (Minn. Ct. App. 1997).

City of Minneapolis v. Police Officers' Fed'n of Minneapolis, 566 N.W.2d 83 (Minn. Ct. App. 1997).

It should be remembered that courts, when reviewing an arbitrator's decision, only consider whether the arbitrator's decision is rationally derived from the collective-bargaining agreement viewed in light of the agreement's language, context, and other indicia of the parties' intent, including past practices. The reviewing court does not consider the merits of the issue. The arbitrator's award is vacated by a court only if the arbitrator clearly exceeded the authority to make the decision. Otherwise, a county must abide by the arbitrator's decision.

IV. Relationship between PELRA and civil service

The interrelationship of PELRA, civil service, and county ordinances gives rise to many difficult legal questions. While each situation must be individually analyzed, the state statutes try to address some of the situations.

Minn. Stat. § 179A.20, subd. 4.

For instance, PELRA requires all contracts to include a grievance procedure that applies to all disciplinary actions. When a civil-service-grievance procedure exists, however, the aggrieved employee has the option of filing a grievance either under the collective-bargaining agreement or the civil-service system. Once employees properly file or submit a grievance or appeal under one system, they lose the right to pursue redress in the alternative manner.

Minn. Stat. § 179A.07, subd. 2.

Gallagher v. City of Minneapolis, 364 N.W.2d 467 (Minn. Ct. App. 1985).

State law also specifies that the public employer must meet and negotiate in good faith with the exclusive representative, regardless of contrary provisions in a county ordinance or resolution. PELRA supersedes any provisions of a county ordinance or resolution that limits or restricts a public employer from negotiating or from entering into binding contracts with exclusive representatives.

Minn. Stat. § 179A.20, subd. 2.

No provision of a contract, however, shall be in conflict with the laws of Minnesota or rules promulgated under law or with county ordinances or resolutions provided the rules, ordinances, and resolutions are consistent with PELRA.

Minn. Stat. § 179A.20, subd. 5.

Upon execution of the contract, the employer shall implement it in the form of an ordinance or resolution. If implementation of the contract requires adoption of a law, ordinance, or resolution, the employer shall make every reasonable effort to propose and secure the enactment of the law, ordinance, or resolution.

CASES

American Fed'n of State, County & Mun. Employees v. City of Plymouth, 563 N.W.2d 79 (Minn. Ct. App. 1997) 11
Anderson v. City of Minneapolis, 363 N.W.2d 886 (Minn. App. 1985) 9
City of Minneapolis, v. Police Officer's Fed'n of Minneapolis, 566 N.W.2d 83 (Minn. Ct. App. 1997) 15
City of Richfield v. Local No. 1215, 276 N.W.2d 42 (Minn. 1979) 11
City of Winona v. Law Enforcement Labor Services, Inc. No. C3-96-1433 (Minn. Ct. App. Jan. 14, 1997) 6, 13
Erickson v. Cannon Valley Co-Op, No. C8-98-1934, (Minn. Ct. App. May 4, 1999) 7
Feges v. Perkins Restaurants, Inc. 483 N.W.2d 701 (Minn. 1992) 7
Gallagher v. City of Minneapolis, 364 N.W.2d 467 (Minn. Ct. App. 1985) 15
Hunt v. IBM Middle Am. Employees Fed. Credit Union, 384 N.W.2d 853 (Minn. 1986) 7
In re Arbitration of City of St. Paul v. AFSCME Council 14, 567 N.W.2d 524 (Minn. Ct. App. 1997) 15
In re Petition for Clarification of an Appropriate Unit, 555 N.W.2d 552 (Minn. Ct. App. 1996) 12
Jewell Belting Co. v. Village of Bertha, 91 Minn. 9, 97 N.W. 424 (1903) 5
Kotera v. Natrogas, Inc. C7-00-47 (Minn. Ct. App. Aug. 22, 2000) 7
Martens v. Minn. Mining & Mfg. Co., 616 N.W.2d 732 (Minn. 2000) 7
Minneapolis Gas and Light Co. v. City of Minneapolis, 36 Minn. 159,39 N.W. 450 (1886) 5
Minnesota Ass'n of Administrators & Consultants v. Minneapolis Special Sch. Dist. No. 1, 311 N.W.2d 474 (Minn. 1981) 12
Muhring v. Sch. Dist. No. 31, 244 Minn. 432, 28 N.W.2d 655 (1947) 5
Nelms v. Civil Service Commission, 220 N.W.2d 300, 300 Minn. 319 (1974) 5
Pine River State Bank v. Metille, 333 N.W.2d 622 (Minn. 1983) 7
Ramsey County v. AFSCME, Council 91, Local 8, 309 N.W.2d 785 (Minn. 1981) 14
St. Paul Firefighters, Local 21 v. City of St. Paul, 336 N.W.2d 301 (Minn. 1983) 13
Williams v. City of Truman, No. CO-97-1366 (Minn. Ct. App. Feb 3, 1998) 7

STATUTES

Minn. Stat. § 13.43 3
Minn. Stat. § 13D.03 14
Minn. Stat. § 179A.03, subd. 14 10
Minn. Stat. § 179A.03, subd. 17 12
Minn. Stat. § 179A.03, subd. 19 13
Minn. Stat. § 179A.03, subd. 4 11
Minn. Stat. § 179A.03, subd. 7 11
Minn. Stat. § 179A.06 10
Minn. Stat. § 179A.06, subd. 3 10
Minn. Stat. § 179A.06, subd. 6 10
Minn. Stat. § 179A.07, subd. 1 13
Minn. Stat. § 179A.07, subd. 2 .... 13, 15
Minn. Stat. § 179A.09, subd. 2 12
Minn. Stat. § 179A.12, subd. 10 11
Minn. Stat. § 179A.13, subd. 1 14
Minn. Stat. § 179A.16, subd. 1 13
Minn. Stat. § 179A.16, subd. 4 14
Minn. Stat. § 179A.16, subd. 7 13
Minn. Stat. § 179A.16, subds. 2, 7 11
Minn. Stat. § 179A.18, subd. 1 .... 11, 12
Minn. Stat. § 179A.18, subd. 3 12
Minn. Stat. § 179A.20, subd. 2 15
Minn. Stat. § 179A.20, subd. 3 14
Minn. Stat. § 179A.20, subd. 4 .... 13, 15

Minn. Stat. § 179A.20, subd. 5 15
Minn. Stat. § 179A.20, subd. 6 14
Minn. Stat. § 375.56 3
Minn. Stat. § 375.58 subd. 2 9
Minn. Stat. § 375.58 subd. 3 9
Minn. Stat. § 375.60 ..... 8, 9
Minn. Stat. § 375.68 9
Minn. Stat. § 375A.02 subd. 3 5
Minn. Stat. § 375A.03 subd. 3 5
Minn. Stat. § 375A.06 subd. 4 5
Minn. Stat. § 375A.08 subd. 1 5
Minn. Stat. §§ 375.56 - 71 8
Minn. Stat. Ch. 13 3
Minn. Stat. Ch. 179A 10

ATTORNEY GENERAL OPINIONS

A.G. Op. (May 3, 1979) 10
A.G. Op. 120 (Apr. 26, 1960) 9
A.G. Op. 471f (Oct. 24, 1961) 5
A.G. Op. 624a-3 (Nov. 2, 1998) 5