



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Meeting Agenda Civil Service Board.

Tuesday, July 7, 2020

4:00 PM

Webex

1. ROLL CALL

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

A. November 5, 2019

Attachments: [November 5, 2019](#)

3. UNFINISHED BUSINESS

4. NEW BUSINESS

A. REVIEW NEW AND REVISED JOB DESCRIPTIONS

(1) Street Maintenance Laborer (new)

Attachments: [Street Maintenance Laborer Draft](#)

(2) Victim Services Specialist (new)

Attachments: [Victim Services Specialist Draft](#)

(3) Senior GIS Technician

Attachments: [Senior GIS Technician Draft](#)

B. ELECTION OF OFFICERS

(1) Chairperson

(2) Vice-Chairperson

5. APPEALS

A. FIRE EQUIPMENT OPERATOR (M2028) APPLICANTS

Notice: Item 5A and Item 5B contain Private Data. The information is non-public and disclosure of this material is prohibited; therefore, these Items have been excluded from this packet.

(1) Candidate A

(2) Candidate B and Candidate C

6. INFORMATIONAL

A. STATUS OF ALL NEW, PENDING, AND COMPLETED JOB AUDITS

Notice: Item 6A contains Private Data. The information is non-public and disclosure of this material is prohibited; therefore, it has been excluded from this packet.

B. NON-PUBLIC REVIEW OF NEW ELIGIBLE LISTS

Notice: Item 6B Non-Public Review of New Eligible Lists will be distributed to members at the Civil Service Board meeting.

C. LETTER FROM ATTORNEY GENERAL'S OFFICE REGARDING SUPERVISORY JOB DUTIES

Attachments: [Letter from Attorney General's Office](#)

D. UPDATE REGARDING NEW BOARD MEMBER APPOINTMENTS

ADJOURNMENT



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Minutes - Draft

Civil Service Board.

Tuesday, November 5, 2019

4:45 PM

Council Chambers, Third Floor, City Hall

Members Present: Joaquim Harris, Shelly Marquardt, Laura Perttula, John Strongitharm (Chair)

HR Staff Present: Theresa Severance (Board Secretary), Robyn Tuominen (HR Generalist)

Others Present: Shawn Krizaj (Fire Chief)

1. ROLL CALL

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

A. October 1, 2019

Indexes:

Attachments: [October 1, 2019 \(Draft Minutes\)](#)

This Item was approved unanimously.

B. October 15, 2019 (Special Meeting)

This Item was approved unanimously.

3. UNFINISHED BUSINESS

4. NEW BUSINESS

A. REVIEW NEW AND REVISED JOB DESCRIPTIONS

(1) Housing Inspector (revised)

Indexes:

Attachments: [Housing Inspector Memo](#)

[Housing Inspector](#)

[Housing Inspector \(strikeout\)](#)

This Item was approved unanimously.

(2) Housing Inspector Leadworker (revised)

Indexes:

Attachments: [Housing Inspector Leadworker Memo](#)
[Housing Inspector Leadworker](#)
[Housing Inspector Leadworker \(strikeout\)](#)

This Item was approved 3-1 (Marquardt).

5. APPEALS

6. INFORMATIONAL

A. STATUS OF ALL NEW, PENDING, AND COMPLETED JOB AUDITS

This Item was received.

B. NON-PUBLIC REVIEW OF ELIGIBLE LISTS

This Item was received.

C. ISD 709 – NOTICE OF TERMINATION AND CHARGES FOR REMOVAL

This Item was received.

ADJOURNMENT

**Human Resources**

Room 340
411 West First Street
Duluth, Minnesota 55802

218-730-5210
hrinformation
@duluthmn.gov

DATE: July 7, 2020
TO: Civil Service Board
FROM: Laura Dahl
Human Resources Generalist
SUBJECT: New Job Classification of Street Maintenance Laborer

**RECOMMENDATION:
APPROVAL OF THE JOB DESCRIPTION FOR THE NEW CLASSIFICATION OF STREET MAINTENANCE LABORER.**

Background Information

The Street Maintenance Division would like to create a new job classification that accurately describes the work that is required of their entry-level position. This will help attract and retain candidates. Employees currently doing this work are under the Citywide Maintenance Worker classification, and the job description does not fully describe the work that this position is required to do.

The content of this new job description has been discussed with the union, they are agreeable to the new classification.

Outline of Duties

To perform a variety of semi-skilled tasks in the construction, maintenance, and/or repair of City streets.

Recommendation

Based on the above information, and in accordance with Section 13-7 of the Civil Service Code, I recommend that the Civil Service Board approve the new job classification and description for Street Maintenance Laborer.

STREET MAINTENANCE LABORER

SUMMARY/PURPOSE

To perform a variety of semi-skilled and skilled tasks in the construction, maintenance, and/or repair of City streets. The work involves performing manual tasks under direct supervision of a leadworker or other higher-level classified employees and may involve the use of hand and power tools and the operation of light truck and construction equipment; duties may be performed under adverse weather or working conditions.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Be an effective team member by exhibiting self-motivation, supporting other employees in handling tasks, interacting effectively and respectfully with others, showing a desire to contribute to the team effort, accepting assignments willingly, and completing tasks within agreed upon timelines.
2. Perform various road construction tasks along with associated street maintenance work.
3. Perform street patching using hot and cold mix asphalt.
4. Occasionally assist in paving operations of streets and alleyways.
5. Perform drainage control measures, such as cleaning catch basins and culvert entries and exits.
6. Assist in installing and maintaining traffic control devices, barricades, street signs, and snow fences.
7. Assist in forming, mixing, and pouring concrete to replace or repair curbs, gutters, and sidewalks.
8. Assist in crack sealing operations using a variety of different materials.
9. Assist in roadside grass cutting and/or roadside brushing/right of way clearing.
10. Assist in street and legend painting operations.
11. Efficiently load multiple types of material into single and tandem axle trucks.
12. Operate a variety of motorized vehicles, including but not limited to, pick-up trucks, one-ton dump trucks, and pre-heated patch trailers.
13. Operate a tandem axle dump truck hauling aggregate, sand, salt, blacktop, and snow.
14. Assist in ice removal due to water main break, sump pump, storm water issues, etc.
15. Perform light equipment maintenance such as changing tires, vehicle washing, repairing tire chains, adding fluids to proper levels, replacing cutting edges, and daily inspection checklists.
16. Operate a variety of power tools and hand tools including chainsaws, street routers, concrete cut-off saws, self-propelled concrete saws, etc.
17. Perform indoor maintenance and routine cleaning of Street Maintenance facilities.
18. Clean up blight and debris citywide.
19. Other related duties may be assigned.

JOB REQUIREMENTS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills, and abilities required.

1. Education & Experience Requirements
 - A. A minimum of one (1) year of verifiable experience as a construction laborer; or a position with equivalent duties.
2. License Requirements
 - A. Possess and maintain a valid Minnesota Class B Commercial Driver's license or equivalent, including Air Brake endorsement. Must possess Tanker endorsement within six (6) months of employment.
3. Knowledge Requirements
 - A. Knowledge of methods, tools, equipment, and materials used in the road construction industry.

- B. Basic knowledge of general safety practices and procedures.
 - C. Knowledge of defensive driving techniques and vehicle operation regulations.
 - D. Basic knowledge of who OSHA is and abide by their regulations along the Minnesota State Commercial Driver License regulations.
 - E. Knowledge of gas and diesel powered equipment used in the road construction industry.
 - F. Knowledge of basic road construction work methods and procedures related to building and maintaining roads and alleyways.
 - G. Knowledge of safe work practices and ability to perform work in a safe manner.
4. Skill Requirements
- A. Skill in performing repairs and related work using hand, gas, and electric power tools.
 - B. Skill in operating vehicles while observing legal and defensive driving practices.
 - C. Skill in understanding and setting up proper traffic control measures.
5. Ability Requirements
- A. Ability to create and maintain a positive working environment that welcomes diversity, ensures cooperation, and promotes respect by sharing expertise with team members, fostering safe work practices, and developing trusting work relationships.
 - B. Ability to occasionally operate equipment such as a five-yard plow/sand truck, street sweeper, front-end loader, uni-loader, and flusher truck.
 - C. Ability to safely operate and maintain motorized equipment according to City policies and procedures and to obey all traffic and vehicle inspection laws.
 - D. Ability to identify and operate a variety of hand, gas, and electric power tools.
 - E. Ability to use good judgment and under direction of others.
 - F. Ability to communicate and follow oral and written directions.
 - G. Ability to establish and maintain effective working relationships with others.
6. Physical Ability Requirements
- A. Ability to work outside in inclement weather and all times of the day.
 - B. Ability to work in dusty, dirty, wet, snowy/frozen, and muddy conditions and environments.
 - C. Ability to climb ladders, work in excavations and high heat operations like asphalt paving.
 - D. Ability to occasionally remove and replace manhole covers, catch basin grates, and valve box covers year round and in inclement conditions.
 - E. Ability to lift and carry equipment and materials such as manhole risers, plate tampers, and asphalt hand rollers weighing up to 50 pounds and occasionally 100 pounds with assistance.
 - F. Ability to frequently walk, stand, kneel, stoop, crouch, climb, and reach above shoulder level as needed to perform work activities.
 - G. Ability to attend work on a regular basis.

HR: LD	Union: Basic	EEOC:	CSB:	Class No:
WC:	Pay:	EEOF:	CC:	Resolution:



Human Resources

Room 340
411 West First Street
Duluth, Minnesota 55802



218-730-5210



hrinformation
@duluthmn.gov

DATE: July 7, 2020
TO: Civil Service Board
FROM: Heather DuVal
Human Resources Supervisor
SUBJECT: New Job Classification of Victim Services Specialist

**RECOMMENDATION:
APPROVAL OF THE JOB DESCRIPTION FOR THE NEW CLASSIFICATION OF VICTIM SERVICES SPECIALIST.**

Background Information

The Victim Services Specialist job description is a result of an audit conducted for the Prosecution & Technology Assistant position in the Attorney's office. The employee working in this position was hired to take on victim services related work as that has been a long-term need. The Prosecution & Technology Assistant job description doesn't fully reflect the duties and responsibilities of the Victim Services work, and as a result a new job description is required to adequately document all duties and responsibilities. The position is grant-funded and requires an accurate job description be in place. There has been significant value in having this position for the City, and the goal is to continue this work through additional grant funding. This updated job description reflects the full scope of responsibilities evaluated over time.

The content of the job description has been discussed with the union, and they are agreeable.

Outline of Duties

The Victim Services Specialist will be responsible for the day-to-day operations of the Victim Services program and implementation of practices and procedures designed to enhance the effectiveness of the program within the City of Duluth Attorney's office.

Recommendation

Based on the above information, and in accordance with Section 13-7 of the Civil Service Code, I recommend that the Civil Service Board approve the new job classification and description for Victim Services Specialist.

VICTIM SERVICES SPECIALIST

SUMMARY/PURPOSE

Responsible for the day-to-day operations of the Victim Services program and implementation of practices and procedures designed to enhance the effectiveness of the program within the City of Duluth Attorney's office.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Serve as the primary point of contact for all victim-related questions or needs, particularly meeting and conferring with victims in person or on the telephone.
2. Establish initial personal line of communication, offer support, and provide victims accurate and timely information regarding the legal process and their statutory rights.
3. Keep victims informed of the status of their case as it moves through the legal system.
4. Assist victims in preparing for hearings and trials, answer victims' inquiries, schedule testimony, and provide accompaniment and support in court, if needed.
5. Work with victims regarding emergency funds and/or reparations applications.
6. Provide referral to other victim programs and community resources to those coping with crime and victimization.
7. Provide advocacy and support to victims during interviews with law enforcement and/or attorneys.
8. Prepare correspondence, case records, reports, and other documents.
9. Maintain a current body of legal knowledge especially as it relates to victim issues.
10. Serve as a liaison between prosecutors and victims, and assist prosecutors with victim issues during investigative, pre-trial, trial, and post-trial phases of a case.
11. Gather evidence in criminal cases, including victim impact statements and restitution.
12. Arrange for the delivery of subpoenas to victims.
13. Advocate on behalf of victims to ensure all are treated with dignity, respect, courtesy, and sensitivity; advocate to ensure their rights are protected.
14. Responsible for database creation, management, and compilation of statistics on crime victims served, and complete required performance measure reporting for grant.
15. Prepare grant applications, quarterly reports, and annual progress reports.
16. Promote awareness of victim's rights, by providing training or presentations to community members, law enforcement, and/or attorneys.
17. May serve as a member for various committees with community partners.
18. Assist and fill in for office support staff as needed.
19. Be an effective team member by exhibiting self-motivation, supporting other employees in handling tasks, interacting effectively and respectfully with others, showing a desire to contribute to the team effort, accepting assignments willingly, and completing tasks within agreed upon timelines.
20. Other duties may be assigned.

JOB REQUIREMENTS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills, and abilities required.

1. Education & Experience Requirements
 - A. Bachelor's degree from an accredited college in social work, psychology, sociology, criminal justice, or a related field; and two (2) years of related experience working with crime victims in a social services setting; OR
 - B. An equivalent combination of related education and/or experience equaling six (6) years.
2. License Requirements
 - A. Possession of a valid Minnesota Driver's License or equivalent.

3. Knowledge Requirements

- A. Knowledge of criminal litigation process in the state court system, including documents used in instituting criminal complaints.
- B. Knowledge of the statutory rights of crime victims.
- C. Knowledge of crime victim issues and methods to deal with them.
- D. Knowledge of litigation process and use of technology to support those efforts.
- E. Knowledge of local social services agencies and services they provide.
- F. Knowledge of courtroom and testimony procedures.
- G. Knowledge of law enforcement investigative procedures.
- H. Knowledge of appropriate state and local laws relating to domestic violence and crime victims, legal terminology, and court practices and procedures.

4. Skill Requirements

- A. Skill in reading and comprehending materials involving legal and technical matters.
- B. Skill in Microsoft Office Suite, personal computer use, typing, and internet research.
- C. Skill with various litigation support applications.
- D. Skill in crisis intervention.
- E. Skill in interviewing and counseling.
- F. Skill in organization and prioritization.
- G. Skill in communicating and effective listening with diverse populations.

5. Ability Requirements

- A. Ability to create and maintain a positive working environment that welcomes diversity, ensures cooperation, and promotes respect by sharing expertise with team members, fostering safe work practices, and developing trusting work relationships.
- B. Ability to deal with the public in difficult/stressful situations.
- C. Ability to organize workload to efficiently prioritize/meet multiple demands and deadlines.
- D. Ability to work cooperatively and effectively with coworkers, supervisors, victims, and others.
- E. Ability to assess, counsel, and refer victims to appropriate community services.
- F. Ability to work with diverse groups of victims in crisis situations.
- G. Ability to deal with people of different economic and cultural backgrounds; respect for and sensitivity to the needs and rights of others, including those with differing cultural, racial, religious, age, ability, and affectional differences between people.
- H. Ability to follow strict guidelines to manage confidential materials and maintain client confidentiality.
- I. Ability to communicate orally and in writing in a logical, persuasive, and accurate manner.
- J. Ability to communicate effectively on a one-to-one basis or before groups for the purpose of obtaining or providing information.
- K. Ability to work independently, be resourceful, meet deadlines, and complete assignments from minimal information and under general instructions.
- L. Ability to accurately and thoroughly document and file information.
- M. Ability to work under pressure of time and conflicting demands.
- N. Ability to travel occasionally for training.

6. Physical Ability Requirements

- A. Ability to sit for extended periods.
- B. Ability to hear and speak to exchange information.
- C. Ability to occasionally crouch, stoop, and reach for supplies, files, etc.
- D. Ability to occasionally lift and carry office items weighing up to 25 pounds.
- E. Ability to transport oneself to, from, and around various locations.
- F. Ability to attend work on a regular basis.

HR: HD	Union: Basic	EEOC:	CSB:	Class No:
WC:	Pay:	EEOF:	CC:	Resolution:



Human Resources

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218-730-5210
hrinformation
@duluthmn.gov

DATE: July 7, 2020
TO: Civil Service Board
FROM: Heather DuVal
Human Resources Supervisor
SUBJECT: New Job Classification of Senior GIS Technician

**RECOMMENDATION:
APPROVAL OF THE JOB DESCRIPTION FOR THE NEW CLASSIFICATION OF SENIOR GIS TECHNICIAN.**

Background Information

The Geographic Information Systems (GIS) field has changed in the last 10-15 years and we have not kept up with changing technology with the GIS work. Engineering Technicians have performed the majority of basic skills needed to update the GIS system, but cannot perform the advanced spatial data analysis responsibility long term. The GIS Technician works almost full time with the GIS program and this new senior level position will be a bridge and training ground between the entry level GIS Technician and the GIS Specialist position. Adding this position also offers advancement opportunities as employees gain experience.

The content of the job description has been discussed with the union, and they are agreeable to the changes.

Outline of Duties

The Senior GIS Technician will perform paraprofessional work related to public works infrastructure including providing support and maintenance of GIS data. Guidance within the GIS environment comes from GIS Specialists, with direct supervision by the City Engineer.

Recommendation

Based on the above information, and in accordance with Section 13-7 of the Civil Service Code, I recommend that the Civil Service Board approve the new job classification and description for Senior GIS Technician.

SENIOR GEOGRAPHIC INFORMATION SYSTEMS (GIS) TECHNICIAN

SUMMARY/PURPOSE

To perform paraprofessional work related to public works infrastructure including providing support and maintenance of Geographic Information Systems (GIS) data. Guidance within the GIS environment comes from GIS Specialists.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Be an effective team member by exhibiting self-motivation, supporting other employees in handling tasks, interacting effectively and respectfully with others, showing a desire to contribute to the team effort, accepting assignments willingly, and completing tasks within agreed upon timelines.
2. Use automated methods to update GIS computer data records.
3. Provide custom maps for City divisions and external agencies.
4. Incorporate various formats of spatial data into GIS database.
5. Develop automated editing tools to enhance GIS data updating, analysis and retrieval procedures.
6. Verify data integrity of new and existing GIS data.
7. Ensure data integrity of relational databases containing GIS data.
8. Train City staff on GIS software, data formats, and standards.
9. Work with City staff to create data standards for GIS data.
10. Participate in planning and oversight of City staff working on GIS data entry and map editing to ensure correct data entry and project schedule completion.
11. Develop standards for data capture through GPS equipment to provide data from field staff to GIS staff for record updates.
12. Participate in setting GIS priorities for City staff.
13. Prepare graphic representations of Geographic Information Systems using GIS software.
14. Review existing or incoming GIS data for accuracy, quality, and completeness.
15. Receive and respond to requests for GIS support.
16. Other duties may be assigned.

JOB REQUIREMENTS

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills, and abilities required.

1. Education & Experience Requirements
 - A. Bachelor's Degree in GIS, Geography, Cartography, Computer Science, Engineering Technology or related field of study with course work in mapping, surveying, computer science and spatial analysis; and
 - B. Two years of experience as a GIS Technician with the City of Duluth; or
 - C. A combination of education/experience determined to be equivalent.
2. Knowledge Requirements
 - A. Knowledge of algebra, geometry, and trigonometry.
 - B. Knowledge of surveying techniques and methods.
 - C. Knowledge in use of interpreting aerial and ortho photography.
 - D. Knowledge of public infrastructure material and construction methods.
 - E. Knowledge of computerized mapping technology and software as it relates to GIS database management and GIS analysis and map production.
 - F. Knowledge of database management, software programming, and network management.
 - G. Knowledge in the use of various computer peripherals and data acquisition and output, devices such as printers, scanners, plotters, digitizers, GPS equipment, etc.

3. Skill Requirements
 - A. Skill in the use of various computer peripherals, data acquisition tools and output devices, including printers, scanners, plotters, and GPS equipment.
 - B. Skill in effectively communicating and maintaining working relationships with employees of the City of Duluth, other agencies, and the general public.
 - C. Skill in preparing written materials such as procedures, policies, plans, and recommendations.
 - D. Skill in using ESRI ArcGIS software environment to display, edit, query, and manipulate GIS data.
 - E. Skill in making printed maps, publishing maps, and exporting data using ESRI ArcGIS software.

4. Ability Requirements
 - A. Ability to create and maintain a positive working environment that welcomes diversity, ensures cooperation, and promotes respect by sharing expertise with team members, fostering safe work practices, and developing trusting work relationships.
 - B. Ability to communicate effectively in oral and written forms.
 - C. Ability to provide training to staff.
 - D. Ability to assist in oversight and training of non-permanent employees.
 - E. Ability to read and interpret engineering drawings.
 - F. Ability to research, analyze, and solve problems.

5. Physical Ability Requirements
 - A. Ability to transport oneself to, from, and around sites of projects, tests, and other assignments.
 - B. Ability to attend work on a regular basis.
 - C. Ability to frequently sit, type, talk, see, and hear.
 - D. Ability to occasionally stand and walk.
 - E. Ability to work outdoors year-round.
 - F. Ability to walk for long distances.
 - G. Ability to transport and erect survey equipment weighing up to 25 pounds.
 - H. Ability to work at a computer for extended periods.

HR: HD	Union: Basic	EEOC:	CSB:	Class No:
WC:	Pay:	EEOF:	CC:	Resolution:

Notice:

Item 5A(1) and Item 5A(2)
contain Private Data.

The information is non-public
and disclosure of this material
is prohibited; therefore Items
have been excluded from this
packet.

Notice:

Item 6A contains
Private Data.

The information is non-public and disclosure of this material is prohibited; therefore it has been excluded from this packet.

Notice:

Item 6B

Non-Public Review of New Eligible Lists

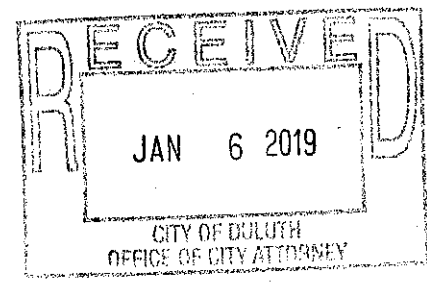
will be distributed to
members at the Civil Service
Board meeting.



The Office of
Minnesota Attorney General Keith Ellison
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January 2, 2020

Steven B. Hanke
Deputy City Attorney
411 West First Street, Room 410
Duluth, MN 55802-1198



Dear Mr. Hanke:

I thank you for your November 7, 2019 letter requesting an opinion from the Attorney General's Office on behalf of the City of Duluth regarding the Public Employment Labor Relations Act (PELRA). You previously requested an opinion from the Office related to this matter on behalf of the Duluth Civil Service Board, to which I responded on behalf of the Office on August 6, 2019.

Background

You state that the Board is concerned that approving job descriptions that include a majority of supervisory functions for inclusion in a nonsupervisory bargaining unit may violate PELRA. The City Attorney's Office now asks if such an action by the Board would violate PELRA and if disputes regarding the supervisory status of employees would be determined by the respective bargaining units and/or the Bureau of Mediation Services (BMS).

Discussion

As I explained in my August 6 letter, the Attorney General's Office does not generally render opinions upon hypothetical or fact-dependent questions. Op. Atty. Gen. 629a (May 9, 1975).¹ This Office is not equipped to investigate and evaluate questions of fact. *Id.* The City Attorney's Office, however, may be in a position to make the appropriate factual determinations and provide the relevant legal analysis to the City. That having been said, I can provide you with the following information, which I hope you will find helpful.

PELRA does not directly prohibit an employer from approving a job description containing a majority of PELRA's supervisory functions for inclusion in a nonsupervisory unit. PELRA does, however, contain prohibitions related to supervisory employees directed at various actors. *See, e.g.,* Minn. Stat. § 179A.09, subd. 2 (2018) (prohibiting the BMS Commissioner from designating an appropriate unit that includes essential and nonessential employees—

¹ I enclosed a copy of this opinion with my August 6 letter.

Steven B. Hanke

January 2, 2020

Page 2

supervisory employees are deemed essential under section 179A.03, subd. 7); Minn. Stat. § 179A.06, subd. 2 (2018) (prohibiting supervisory employee organizations from participating in negotiations involving nonsupervisory employee units). In addition, other issues may arise under the City's charter, labor agreements, or other state and federal laws. This Office will not issue opinions interpreting the meaning of terms in contracts or other agreements nor will it construe terms in city charters, local ordinances, or local resolutions. *See* Op. Atty. Gen. 629a (May 9, 1975). In addition, in specific fact-dependent circumstances, an employer's conduct may constitute an unfair labor practice, including "interfering with the formation, existence, or administration of any employee organization." *See* Minn. Stat. § 179A.13, subd. 2 (2018).

PELRA and the BMS's rules set out a process for the removal of supervisory employees from nonsupervisory appropriate units and resolving disputes related to supervisory status. To remove employees from a nonsupervisory appropriate unit for the purposes of designating the employees as "supervisory employees," the employer must obtain either (1) a written agreement of the exclusive representative and written approval of the BMS Commissioner; or (2) a separate determination by the BMS Commissioner. Minn. Stat. § 179A.03, subd. 17 (2018). The BMS rules also set out processes by which exclusive representatives and employers may petition for clarification of the positions included in an appropriate unit. *See* Minn. R. 5510.0410, subps. 2B-C, 3B (2019). A petitioner may ask the BMS to clarify the "inclusion or exclusions of positions or job classifications in an appropriate unit" or "the confidential, supervisory, or essential status of positions, classifications, or the unit itself." Minn. R. 5510.0310, subp. 24 (2019). There are limitations, however, on when the BMS may consider unit clarification petitions. *See* Minn. R. 5510.0510, subp. 1 (2019).

If a dispute arises regarding the inclusion of positions in an appropriate unit or a position's supervisory status, or the City wishes to remove employees from a nonsupervisory appropriate unit to designate those employees as supervisory, the City may wish to contact the BMS.

Sincerely,



KATHERINE HINDERLIE
Assistant Attorney General

(651) 757-1468 (Voice)

(651) 297-1235 (Fax)

katherine.hinderlie@ag.state.mn.us