



City of Duluth
Attorney's Office

411 West First Street • Room 410 • Duluth, Minnesota • 55802-1198
218-730-5490 • Fax: 218-730-5918 • www.duluthmn.gov

An Equal Opportunity Employer

June 26, 2019

Attorney General Keith Ellison
Minnesota Attorney General's Office
445 Minnesota St
St Paul, MN 55101

Re: Request for opinion regard Duluth Civil Service Board issue

Dear Attorney General Ellison:

The Duluth Civil Service Board is concerned that current City of Duluth job descriptions for non-supervisory positions contain supervisory duties as those terms are defined under the Public Employment Labor Relations Act (PELRA), specifically Minn. Stat. 179A.03, Subd. 17. Supervisory employees may not be in the same bargaining unit with the individuals they supervise. Questions have been raised that job descriptions which require the employee to recommend or advise on supervisory functions are being classified in the basic (non-supervisory) collective bargaining units.

In the view of the Civil Service Board, some recent job descriptions effectively include five or more of the ten supervisory functions; therefore, we believe that approving these job descriptions for inclusions into a non-supervisory bargaining unit may violate PELRA. The Civil Service Board is requesting clarification as to when, or if, it is appropriate to include an employee who exercises, or effectively recommends supervisory functions with supervisory functions in a basic (non-supervisory) collective bargaining group or should such positions be reclassified with the supervisory unit. We request that your office render a legal opinion regarding this situation.

Enclosed, please find job descriptions for non-supervisory positions that contain supervisory functions.

Respectfully submitted,

Steven B. Hanke
Deputy City Attorney
On the behalf of
John Strongitharm,
Board Chairperson

cc: Theresa Severance, Civil Service Board Secretary
Civil Service Board