

3. Attached as **Exhibit B** is a true and correct copy of a Ruling on Request for Stay Pending Appeal dated October 31, 2016 issued by the Bureau in the underlying administrative matter.

4. Attached as **Exhibit C** is a true and correct copy of the Petition for Exclusion or Severance and accompanying Declaration to Support Showing of Interest filed by UMN Faculty Excellence on October 30, 2016.

5. UMN Faculty Excellence sent a letter to the Bureau on December 27, 2016 concurring in the University's request for a stay but was not copied on the Bureau's January 3, 2017 Ruling on Request for Stay Pending Appeal. A true and correct copy of UMN Faculty Excellence's December 27, 2017 letter is attached as **Exhibit D**.

6. Attached as **Exhibit E** is a true and correct copy of a letter from Jessica Roe, counsel for UMN Faculty Excellence, to Bureau Commissioner Josh Tilsen dated October 30, 2016.

7. Attached as **Exhibit F** is a true and correct copy of a letter from Bureau Hearing Officer Jill Kielblock to Jessica L. Roe and Joel Waldfogel, dated November 3, 2016.

8. Attached as **Exhibit G** is a true and correct copy of a letter from Jessica Roe, counsel for UMN Faculty Excellence, to Bureau Commissioner Josh Tilsen, dated January 26, 2017.

9. Attached as **Exhibit H** is a true and correct copy of the Minnesota Association of Professional Employees Legislative Position Paper #26 titled Bargaining Unit Structure for Professionals at the University of Minnesota.

10. Attached as **Exhibit I** is a true and correct copy of the Petition for Determination of Appropriate Unit and Certification of Exclusive Representative filed by SEIU on January 20, 2016.

11. On February 3, 2016, SEIU informally asked to add a select number of job classifications from Unit 11 to Unit 8 for purposes of the election, ultimately identifying ten non-faculty job classifications that it wanted the Bureau to reassign to Unit 8. Attached as **Exhibit J** is a true and correct copy of email correspondence from Brendan Cummins, attorney for SEIU in this matter, dated February 3, 2016.

12. Attached as **Exhibit K** is a true and correct copy of an e-mail from Janet Johnson to counsel for SEIU and me requesting briefing on the following issue: “Whether the classifications in question have been previously assigned under the meaning of Minn. Stat. 179A.10, subd. 4.” Attached as **Exhibits L and M** are true and correct copies of the briefs the University submitted in response to the Bureau’s request.

13. On March 15, 2016, the BMS issued a Pre-Hearing Ruling, holding that the job classifications at issue had not been previously assigned and ordering that the matter proceed to a hearing on community of interest. Attached as **Exhibit N** is a true and correct copy of the March 15, 2016 Order.

14. The University requested reconsideration of the Bureau’s March 15 Ruling and a stay of the proceedings pending the Bureau’s decision. Attached as **Exhibit O** is a true and correct copy of the University’s Request for Reconsideration and Stay.

15. On March 25, 2016, the Bureau denied the University's Request for Reconsideration and Stay. A true and correct copy of the Bureau's March 25, 2016 Denial is attached as **Exhibit P**.

16. On March 22, 2016, before ruling on the University's Request for Reconsideration and Stay, the Bureau issued an Order for Hearing Schedule. Attached as **Exhibit Q** is a true and correct copy of the Bureau's March 22, 2016 Order.

17. Bureau Hearing Officer Jill Kielblock conducted the Community of Interest hearing on 13 days between April 19, 2016 and May 13, 2016. Attached as **Exhibit R** is a true and correct copy of relevant excerpts of a transcript of the hearing proceedings.

18. Attached as **Exhibit S** is a true and correct copy of the University's post hearing brief submitted to the Bureau on July 1, 2016.

19. On September 20, 2016, approximately six months after ordering the Community of interest hearing, the Bureau issued a Unit Determination Order. The Union did not request reconsideration or seek certiorari appeal of the September 20, 2016 Unit Determination Order.

20. Attached as **Exhibit T** is a true and correct copy of the University's Request for Partial Reconsideration and Stay submitted to the Bureau on September 28, 2016. The following morning, the Bureau denied the University's request for stay. Attached as **Exhibit U** is a true and a letter dated September 29, 2016, from BMS Hearing Officer Jill Kielblock denying the University's request for stay.

21. On November 29, 2016, the Bureau issued a Ruling on Request for Reconsideration and Stay related to the Unit Determination Order.

22. On December 15, 2016, the University again requested that the Bureau stay its proceedings pending appeal. A true and correct copy of the Request for Stay is attached as Exhibit V. The University requested the stay despite representations from the Bureau's Commissioner that no stay would be granted.

23. Attached as Exhibit W is a true and correct copy of a Ruling on Request for Stay Pending Appeal dated January 3, 2017 issued by the Bureau of Mediation Services (the "Bureau" or "BMS") in the underlying administrative matter.

24. Even though the University had made clear that it intended to appeal the Unit Determination Order, the Bureau continued to press for an election at the earliest possible date. For example, since issuing the Unit Determination Order, the Bureau has directed the University to compile and produce extensive amounts of data.

25. Attached as Exhibit X is a true and correct copy of a letter from BMS Hearing Officer Kielblock to me and counsel for SEIU, Brendan Cummins, dated September 23, 2016. Even before issuing this letter, the Bureau authorized the disclosure of extensive amounts of information by both parties pursuant to administrative subpoenas of March 9, 2016, March 15, 2016, and March 22, 2016.

26. Attached as Exhibit Y is a true and correct copy of the Bureau's Notice of Pre-Hearing Conference, dated October 6, 2016.

27. The Bureau conducted the pre-hearing conference on October 18, 2016, seeking to resolve some or all outstanding issues identified in the September 23, 2016 letter. Although only one substantive issue was resolved at the pre-hearing conference,

the Bureau did determine how it would proceed to resolve each of the remaining issues, whether on the parties' submissions or by means of hearing.

28. Attached as Exhibit Z is a true and correct copy of the Bureau's Order for Production of Information, dated October 31, 2016.

29. Attached as Exhibit AA & BB is a true and correct copies of an email from BMS Hearing Officer to me and Krista Hatcher (copying other individuals), and the Bureau's Order for Production of Information, both dated December 2, 2016.

30. Attached as Exhibit CC is a true and correct copy of the Bureau's Supplemental Order for Production of Information dated December 12, 2016.

31. Attached as Exhibit DD is a true and correct copy of the University of Minnesota's Regents Policy on Faculty Tenure, amended June 10, 2011.

32. On behalf of the University and in light of the much larger bargaining unit created by the Unit Determination Order, I have repeatedly requested that the Bureau confirm in writing that the Union has satisfied the legally required showing of interest. I requested this confirmation on September 28, 2016, September 29, 2016, October 1, 2016 and October 18, 2016. This is a legitimate concern since the bargaining unit has nearly doubled in size since the representation petition was filed.

33. Attached as Exhibit EE is a true and correct copy of a letter from Jessica Roe, counsel for UMN Faculty Excellence, to Bureau Commissioner Josh Tilsen, dated January 19, 2017.

34. On behalf of the University, I have repeatedly advised the Bureau that a considerable portion of the information it has ordered the University to produce requires

an individualized inquiry into the thirteen affected colleges and administrative units, and in some cases, individual University departments. The University estimates it will take hundreds of employee hours to compile the information sought by the Bureau. The University has worked diligently to comply with the Bureau's requests in a timely fashion despite the fact they are ambiguous, inconsistent with one another, and do not reflect the reality and complexity of the University's data management systems.

35. Attached as **Exhibit FF** is a true and correct copy of a letter from me to BMS Commissioner Josh Tilsen and Hearing Officer Jill Kielblock dated December 13, 2016.

36. Attached as **Exhibit GG** is a true and correct copy of a letter and enclosures from me to BMS Commissioner Josh Tilsen and Hearing Officer Jill Kielblock dated December 20, 2016.

37. Attached as **Exhibit HH** is a true and correct copy of a letter from me to Commissioner Tilsen and Hearing Officer Kielblock dated December 21, 2016.

38. In response to the University's objections, the Bureau called a meeting with the parties' attorneys on December 23, 2016, and agreed to replace its three prior Orders for Production of Information with a revised order. At the Bureau's instruction, counsel for the University prepared a draft revised order reflecting the content of the December 23, 2016 meeting.

39. Attached as **Exhibit II** is a true and correct copy of a chain of email correspondence between me, Commissioner Tilsen, and counsel for the Union (copying

other appropriate individuals), dated between December 23, 2016 and December 29, 2016 concerning the December 23, 2016 meeting and the drafting of a revised order.

40. Attached as **Exhibit JJ** is a true and correct copy of a chain of email correspondence and its attachment dated January 3, 2017, between me and Commissioner Tilsen (copying other individuals) concerning a draft of the revised order for production.

41. Attached as **Exhibit KK** is a true and correct copy of an email and attachment dated January 6, 2017 sent by counsel for the Union to Commissioner Tilsen (copying me and other individuals) concerning the Union's comments on the University's January 3, 2017 draft of the revised order for production.

42. The University objected to the Union's changes to the revised order by email on January 6, 2017, and again in a letter dated January 8, 2017. A true and correct copy of a chain of email correspondence including my January 6, 2017 objection email to Commissioner Tilsen is attached as **Exhibit LL**. A true and correct copy of my January 8, 2017 objection letter to Commissioner Tilsen is attached as **Exhibit MM**.

43. A true and correct copy of the January 12, 2017 Revised Order for Production of Information issued by the Bureau is attached as **Exhibit NN**.

44. Attached as **Exhibit OO** is a true and correct copy of a letter I sent to Commissioner Tilsen and Hearing Officer Kielblock regarding the January 12, 2017 Revised Order for Production of Information.

45. Attached as **Exhibit PP** is a true and correct copy of an affidavit executed by Patricia Franklin, Chief of Staff in the University's Office of Human Resources, on March 29, 2016.

46. At both the October 18, 2016 pre-hearing conference and in conversations with Commissioner Tilsen taking place between December 6 and December 12, 2016, the University requested and offered to explain its data systems to the Bureau and the Union. The University reiterated its request to meet with representatives of the Bureau and the Union in letters to the Bureau dated December 13, 2016 and December 20, 2016.

47. Attached as Exhibit QQ is true and correct copies of a cover letter from Thomas A. Keller, III to Peter Obermeyer, dated July 24, 1980; the University of Minnesota's Petition by Employer with Respect to Allocation of Employee Positions Pursuant to Minn. Stat. Sec. 179.741, subd. 3, dated July 24, 1980; and the University of Minnesota's Amendment Petition by Employer with Respect to Allocation of Employee Positions Pursuant to Minn. Stat. Sec. 179.741, subd. 3, dated July 29, 1980.

48. Attached as Exhibit RR is a true and correct copy of a Resolution Approved by the Board of Regents of the University of Minnesota, dated December 12, 1980.

49. Attached as Exhibit SS is a true and correct copy of the minutes of the Higher Education Division of the Education Committee of the Minnesota House of Representatives, dated March 6, 1991.

50. Attached as Exhibit TT is a true and correct copy of a handout entitled "Academic Class Numbers and Titles Designated as Unit 11 in the Public Employment Labor Relations Act; March 5, 1991" provided by John Erickson, Assistant Director, University of Minnesota Personnel at the March 6, 1991 meeting of the Higher Education Division of the Education Committee of the Minnesota House of Representatives.

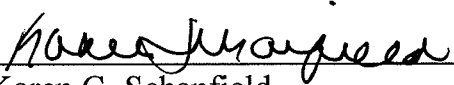
51. Attached as Exhibit UU is a true and correct copy of an affidavit executed by Patti Dion, Director of Employee and Labor Relations in the University's Office of Human Resources, on February 26, 2016.

52. Attached as Exhibit VV is a true and correct copy of the following administrative decisions:

- The National Labor Relations Board's decision in Minneapolis College of Art and Design, NLRB Case No. 18-RC-182546 (Decision and Direction of Election, Sept. 23, 2016).
- The Bureau of Mediation Services' decision in University of Minnesota and AFSCME Minnesota Council 5, BMS Case Nos. 09PCL0964, 09PCL0965, 09PCL0966, at 10 (July 13, 2010).
- The Bureau of Mediation Services' decision in IBEW Local No. 292 and University of Minnesota, BMS Case No. 87-PR-8 (June 29, 1987).
- The Bureau of Mediation Services' Ruling on Request for Reconsideration in Certain Faculty of the Univ. of Minn./Morris Campus and Certain Faculty of the Univ. of Minn./Crookston Campus and University of Minnesota and University Education Assoc., BMS Case Nos. 97-PCE-444 and 97-PCE-458 (Oct. 25, 1996).

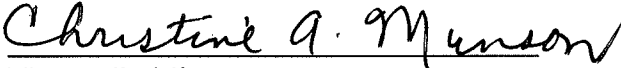
53. Seven of the thirteen statutory bargaining units of University employees are currently represented by labor unions, including Unit 9, the bargaining unit for faculty at the University's outstate campuses. Unit 8 has never been represented for collective bargaining purposes.

FURTHER AFFIANT SAYETH NOT.



Karen G. Schanfield

Subscribed and sworn to before me
This 27th day of January, 2017.



Notary Public
(STAMP AND/OR SEAL)

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