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Commissioner Josh Tilsen
Bureau of Mediation Services
1380 Energy Lane, Suite Two
St. Paul, MN 55108

VIA U.S. MAIL AND EMAIL (josh.tilsen@state.mn.us)

Re: BMS Case No. 16PCE0644

Dear Commissioner Tilsen:

I am writing on behalf of UMN Faculty Excellence (“UMN FE”). UMN FE concurs with the University of Minnesota’s Request for Stay Pending Appeal. Given the data disclosed to date, and the information obtained by UMN FE in that process, a stay is now, more than ever, important and warranted.

UMN Faculty Excellence continues to investigate its concerns about irregularities relating to SEIU’s purported 30% showing of interest in support of its Petition. A simple analysis of publicly-available data shows that a substantial number of the faculty listed by SEIU as supporters of its representation are not eligible voters. For instance, of the 477 signers of the pro-union open letter dated November 4, 2016, one can identify 374 in the University of Minnesota directory. Of these 374, when reviewed against the University of Minnesota class info website (<http://classinfo.umn.edu/>) which provides histories of courses taught, 31 either taught no classes or taught too little to be eligible. In fact, one employee who signed the open letter is not even an instructional faculty member according to her LinkedIn profile, which identifies her title as “Teacher Candidate Supervisor.”¹

Given these irregularities and the fact that UMN FE now has the support of more than 631 tenured and tenure-track faculty, it appears highly unlikely that SEIU legitimately obtained support from 30 percent of eligible voters.

Even more problematic is that fact that UMN FE has three times (on November 4, 8 and December 7) requested data necessary to further analyze its concerns. These requests,

¹ To respect the privacy of this employee, despite the fact that she signed the open letter, she will not be personally named here. However, UMN FE has the names and matches to class data for all 374 signers that UMN FE could identify and UMN FE can supply that information to the BMS, if BMS so desires.

Commissioner Josh Tilsen

December 27, 2016

Page 2

pursuant to the Minnesota Government Data Practices Act, seek public data that UMN FE has a statutory right to review. Unfortunately, the BMS has not yet complied with Minnesota law by responding to the request.

As the University has indicated on numerous occasions, it is both unnecessary and wasteful for the parties to engage in onerous data production and analysis if the Court of Appeals determines that such efforts rest upon a flawed determination of the appropriate bargaining unit. The Court has already indicated that the Unit Determination Order is immediately appealable—therefore, a stay is appropriate and necessary.

Accordingly, UMN FE respectfully asks that the BMS grant the University's Request for Stay Pending Appeal.

Yours very truly,

ROE LAW GROUP, PLLC

/s/ Jessica L. Roe

Jessica L. Roe

cc: Jill Kielblock, Mediation/Hearing Officer
Doug Peterson, General Counsel
Shelley Carthen Watson, Senior Associate General Counsel
Karen Schanfield, Esq.
Brendan Cummins, Esq.