

STATE OF MINNESOTA  
IN COURT OF APPEALS

**FILED**

January 24, 2017

**OFFICE OF  
APPELLATE COURTS**

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In the Matter of a Petition for Determination  
of an Appropriate Unit and Certification as  
Exclusive Representative

**ORDER**

**A16-1985**

Service Employees International Union,  
Local 284, South St. Paul, Minnesota,

Respondent,

vs.

University of Minnesota, Unit 8,  
Minneapolis, Minnesota,

Relator,

Bureau of Mediation Services,

Respondent.

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Considered and decided by Cleary, Chief Judge; Johnson, Judge; and Bjorkman,  
Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE  
FOLLOWING REASONS:**

This certiorari appeal was filed on December 15, 2016. Relator Regents of the  
University of Minnesota (the university) seeks review of a September 20, 2016 unit-  
determination order issued by respondent Commissioner of the Bureau of Mediation  
Services (BMS) and a November 29, 2016 BMS order denying the university's request

for reconsideration. In their respective statements of the case, BMS and respondent Service Employees International Union, Local 284 (SEIU), argue that appellate review is premature until the results of the election have been certified. This court questioned jurisdiction. The parties filed informal memoranda.

Decisions of the BMS commissioner “relating to” the appropriateness of a unit may be reviewed on certiorari by the court of appeals. Minn. Stat. § 179A.051(a) (2016). In an order filed on November 15, 2016, a special term panel of this court dismissed the university’s prior appeal (A16-1666) of the September 20, 2016 unit-determination order as premature, in view of the pending request for reconsideration. We stated that the September 20, 2016 order is appealable under Minn. Stat. § 179A.051(a) and we specified that if necessary, the university may obtain review of the September 20, 2016 order in a timely certiorari appeal if the BMS denies reconsideration.

Because Minn. Stat. § 179A.051(a) authorizes a certiorari appeal from a BMS decision relating to the appropriateness of a unit, we disagree with BMS and SEIU that the university is not entitled to appellate review of the September 20, 2016 order until the results of the election are certified.

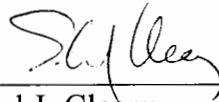
**IT IS HEREBY ORDERED:**

1. Jurisdiction over this appeal is accepted. The appeal shall proceed pursuant to the rules of civil appellate procedure.

2. Respondent Bureau of Mediation Services shall serve and file the itemized list of the contents of the record under Minn. R. Civ. App. P. 115.04, subd. 3, by February 7, 2017.

**Dated:** January 24, 2017

**BY THE COURT**



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Edward J. Cleary  
Chief Judge