

# **BMS**

**BUREAU OF MEDIATION SERVICES**  
State of Minnesota

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**IN THE MATTER OF A PETITION  
FOR REPRESENTATION ELECTION**

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**VIA EMAIL and US MAIL**

February 3, 2014

City of Minneapolis, Minnesota

- and -

Minnesota Public Employees Association, Roseville, Minnesota

- and -

AFSCME Minnesota Council 5, South Saint Paul, Minnesota

- and -

Minnesota Teamsters Public and Law Enforcement Union, Local 320, Minneapolis,  
Minnesota

BMS Case No. 14PRE0167

**ORDER DISMISSING COMPLAINT**

**INTRODUCTION**

On September 3, 2013, the Bureau of Mediation Services (BMS) received a representation petition (Petition) filed by the Minnesota Public Employees Association, Roseville, Minnesota (MNPEA). The Petition requested an election to determine the majority status of an exclusive representative of an existing appropriate unit of employees of the City of Minneapolis (City), currently represented by AFSCME Minnesota Council 5, South Saint Paul, Minnesota (Council 5). On September 6, 2013, BMS issued a Representation Unit Determination Order (Order). On October 3, 2013, Council 5 filed a Complaint concerning the status of MNPEA as a labor organization within the meaning of PELRA. On October 17, 2013, neutral Labor Referee Stephen Befort was appointed to hear and decide this matter. On November 17, Minnesota Teamsters Public and Law Enforcement Union, Local 320 (Local 320) filed a showing interest sufficient to intervene in the Petition. On January 29, 2014, Council 5 filed a notice withdrawing its Complaint without prejudice. On January 31, 2014, MNPEA filed a written objection to the dismissal of the Complaint without prejudice.

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On February 3, 2014, the Bureau received the following:

1. The City of Minneapolis filed a written objection to dismissal of this matter without prejudice.
2. Local 320 filed a written notice withdrawing its Complaint, and stating that it took no position on whether the matter be dismissed with or without prejudice.
3. On February 3, 2014, Council 5, by its Attorney, Greg Corwin, filed a notice withdrawing the October 3, 2013, Complaint with prejudice.

**ISSUE**

Is the request to dismiss the Complaint with prejudice appropriate?

**FINDINGS**

The request to dismiss with prejudice is appropriate.

**ORDERS**

1. The Complaints concerning the status of MNPEA are dismissed with prejudice.
2. Labor Referee Befort's duties are hereby discharged.
3. The Bureau will proceed with the election in accordance with a Mail Ballot Election Order to be issued under separate cover.
4. The City shall post this Order in the work locations of the employees involved.

STATE OF MINNESOTA  
Bureau of Mediation Services



JOSH TILSEN  
Commissioner

cc: Tim Giles (2)  
(Includes Posting Copy)  
Greg Corwin  
Mike Bloom  
Rob Fowler

Tom Perkins  
Kevin Beck  
Brian Aldes  
Stephen Befort  
Eric Lehto