

**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

In the Matter of:

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 337,
Labor Organization-Respondent,

-and-

Case No. CU14 J-046
Docket No. 14-026056-MERC

MICHAEL WILLIAMS,
An Individual Charging Party.

APPEARANCES:

Kevin J. O'Neill, P.C. by Kevin J. O'Neill, for Respondent

Law Offices of Jeffrey S. Burg, Esq., by Jeffrey S. Burg, for Charging Party

DECISION AND ORDER ON RECONSIDERATION

On April 24, 2015, the Commission issued its Decision and Order in this matter, adopting the ALJ's recommendation that we dismiss the charge. That Decision and Order observed that the ALJ found Respondent did not violate § 10 of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.210. Accordingly, we dismissed the unfair labor practice charge.

Charging Party filed a Motion for Reconsideration of our Decision and Order on May 13, 2015. In his Motion for Reconsideration, Charging Party objected to our statement that the ALJ found that "Respondent did not violate Section 10 of the Public Employment Relations Act." Charging Party requests that our Decision and Order be corrected to reflect that the ALJ found that we lacked subject matter jurisdiction over the charge. Respondent did not file a response to the motion.

Charging Party worked for a privately owned company and is not a public employee under PERA. Thus, Respondent's actions as alleged in the charge cannot constitute a PERA violation. Accordingly, the ALJ found that the Commission lacks subject matter jurisdiction over the charge. Therefore, we grant the Motion for Reconsideration to clarify the basis of the ALJ's recommended order.

ORDER

Pursuant to Section 16 of the Act, the Commission adopts as its order the order recommended by the Administrative Law Judge. The charge is dismissed.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

/s/
Edward D. Callaghan, Commission Chair

/s/
Robert S. LaBrant, Commission Member

/s/
Natalie P. Yaw, Commission Member

Dated: June 10, 2015