

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
EMPLOYMENT RELATIONS COMMISSION

APPROVED MINUTES
REGULAR MEETING OF APRIL 8, 2014
DETROIT, MICHIGAN

The meeting of the Employment Relations Commission was called to order at 10:01 a.m., by the Commission Chair, Edward D. Callaghan, at MERC's Detroit Office, 3026 W. Grand Boulevard, Suite 2-750, and Detroit, Michigan.

Those in attendance: Edward D. Callaghan, Commission Chair; Commissioner Robert S. LaBrant and Commissioner Natalie P. Yaw; Ruthanne Okun, Bureau Director; Lynn Morison, Staff Attorney; Ann Warner, Administrative Law Specialist; James Spalding, Mediation Supervisor; Sidney McBride and Micki Czerniak, Mediators; Molly Sykes, Extern and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney Cliff Hammond, Nemeth Law Firm and Tony Marasco, Metro Detroit Bureau of School Studies.

It was moved by Commissioner LaBrant and seconded by Commissioner Yaw to adopt the agenda of the regular meeting of April 8, 2014 as proposed. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

MINUTES

It was moved by Commissioner Yaw and seconded by Commissioner LaBrant to adopt the minutes of the regular meeting of March 11, 2014 as proposed. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

DIRECTOR'S REPORT

The Act 312 and Fact Finding Reports were reviewed and discussed. Updates were reported by the Director. The petition was dismissed in the City of Detroit & Detroit Fire Fighters Association Act 312 case. Regarding the COOR-ISD Fact Finding case, the petition has been placed on hold pending resolution of court action. There are 17 Act 312 cases and 40 Fact Finding cases listed on the report.

The Administrative Law Judge Reports were reviewed and discussed. Director Okun reported that ALJ Stern and ALJ Peltz each have 4 decisions ready to

write. The cases of former MAHS ALJ Doyle O'Connor will be reassigned to the recently-selected MAHS ALJ Travis Calderwood.

The Event Report was reviewed.

The Representation and Election Reports were reviewed and discussed. It was noted that several of the City of Detroit UC cases are on hold in light of the bankruptcy and possible reconfiguring of the bargaining units. There are 65 new and active cases currently listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

There were no work stoppages to report.

The Appellate Report was reviewed. There are 12 MERC cases currently pending before the Michigan Court of Appeals and 2 cases pending before the Michigan Supreme Court.

ADMINISTRATIVE AGENDA

The Commission welcomed Administrative Law Specialist Lisa Lane, who replaced Travis Calderwood as the Freedom to Work Specialist for the remainder of the limited term position.

The paralegal position has been posted.

Updates were reported by the Director on the significant case report.

There was discussion regarding the 7 pending litigation cases involving MERC. Commission Chair Callaghan requested the presence of a representative from the Attorney General's Office at the May 13 MERC meeting to provide a status update in a closed session. Commissioner LaBrant inquired about the status of the Lansing School District case filed in the Ingham County Circuit Court. Director Okun will look into the matter.

The MERC Act 312/Fact Finder Constituent Training was discussed. Director Okun shared with the Commission the results of the survey presented to panel members regarding the training. The most preferred date is October 23-24, 2014. The panel members selected Detroit (60%) as the most preferred location and Lansing (40%) as the second preference. The results indicated that a full day of training on Friday and a half-day of training on Thursday were preferred.

Tony Marasco is meeting with Marrick Masters regarding the MERC *Back to Basics* training tentatively scheduled for the fall of 2015. Commission Chair Callaghan requested to be kept current regarding progress.

The next regular MERC meeting is scheduled for May 13, 2014 at 10:00 a.m, at the State of Michigan Library and Historical Center, Lake Superior Room, 720 W. Kalamazoo, Lansing, Michigan. Mediation Supervisor Jim Spalding will reserve tentative dates for the 2015 Lansing MERC meetings at the State Library.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***Washtenaw County -and- AFSCME Council 25, Local 3052***, Case Nos. UC09 J-029 & UC06 J-032-A.
2. ***Ionia Public Schools -and- Ionia Education Association***, Case No. C12 G-136.
3. ***Maud Preston Palenske Memorial Library -and- Michigan Council 25, AFSCME, and its Affiliated Locals 2757.09 and 2757.10***, Case No. C12 K-223.
4. ***Tuscola County Road Commission -and- Teamsters, Local 214***, Case No. UC13 H-012.

The Commission discussed the following matters:

1. ***Watersmeet Township School District -and- Watersmeet Education Support Personnel Association, MEA/NEA***, Case No. C13 B-020.
2. ***Pontiac School District -and- Pontiac Education Association***, Case Nos. C11 K-197 & CU12 D-019.

NEW BUSINESS

There was discussion regarding the indefinite suspension of MERC Grievance Arbitrator, Michael L. King, from the practice of law in the State of Ohio in 2005. The Commission was not made aware of this when Mr. King was placed on its grievance arbitrator panel. It was moved by Commissioner Robert S. LaBrant and seconded by Commissioner Natalie P. Yaw to remove Michael L. King from its panel of grievance arbitrators. A vote was called. Edward D. Callaghan, Naye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

The adoption of the Advocates Advisory Committee recommendations were tabled to the May 13 MERC meeting pending review by the Commission.

The Department of Treasury Emergency Manager/DEP Information and the Deficit School District list were reviewed. There are 12 municipalities with an

EM; 4 K-12 districts with an EM and 28 districts projected to be out of deficit by the end of the year.

The results from the March 2014 Dashboard Project was reviewed. Sidney McBride reported that all categories are above target. The Commission moved to recognize the efforts of the BER staff.

OLD BUSINESS

Sidney McBride provided an update on the General Administrative Rules and MERC's Act 312 Rules amendment processes. The final approval of MERC's Act 312 and General Administrative Rules is anticipated before the end of the 2013-14 fiscal year and in time for the Fall 2014, MERC training.

The deadline for the submission of the independent audits of unions representing public sector employees is March 1, 2015. The audits will be posted on MERC's website. A shout out was given to Denise Hinneburg and Tracy Marr for their efforts to assist with the audit project.

It was moved to submit the continuing correspondence from John Moralez to the Attorney General's Office for response and possible action. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Yaw moved that the meeting be adjourned at 10:59 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.