

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

APPROVED MINUTES
REGULAR MEETING OF DECEMBER 8, 2015
DETROIT, MICHIGAN

The meeting of the Employment Relations Commission was called to order at 10:02 a.m., by the Commission Chair, Edward D. Callaghan, at MERC's Detroit Office, 3026 W. Grand Boulevard, Suite 2-750, in Detroit, Michigan.

Those in attendance: Edward D. Callaghan, Commission Chair; Commissioner Robert S. LaBrant and Commission Natalie P. Yaw; Ruthanne Okun, Bureau Director; Lynn Morison, Staff Attorney; James Spalding, Mediator Supervisor; Micki Czerniak, Mediator; Denise Hinneburg, Elections Officer; Ashley Olszewski, Paralegal; Carl Wexel, Temporary Administrative Law Specialist and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney Tim Gardner, Thrun Law Firm.

The Commission moved to amend the proposed agenda of the December 8, 2015 regular MERC meeting. The Application of John Robert Panico to the Grievance Arbitration Panel was removed from the Administrative Agenda. A vote was called. 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 November 10, 2015, as proposed. A vote was called. 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. There are 9 Act 312 cases and 18 Fact Finding cases listed on the reports.

The Administrative Law Judge Reports were reviewed.

The Event Report was reviewed.

The Representation and Election Reports were reviewed and discussed. There were no RD cases to report. There are currently 40 active cases listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

The Mediation Activities Trends Report was reviewed and discussed.

The Mediation Activities Trends by Fiscal Year Report was reviewed and discussed. This is a new report requested by Commission Chair Callaghan. The report indicated that there was an increase in mediation activities in FY 2011 and FY 2012. The number of grievance mediation requests has doubled and there has been a steady progression of settlements from FY 2010 to FY 2015.

There were no work stoppages to report.

The Appellate Report was reviewed.

ADMINISTRATIVE AGENDA

Updates were reported by the Director on the significant cases report, i.e, Detroit Casinos, Detroit Medical Center and the Alpena Regional Medical Center and the Interurban Transit Partnership. Mediator Wanda Mayes was recognized for 15 years of state service.

Carl Wexel was welcomed back by the Commission. Carl is on loan to BER from the Office of the State Employer to temporarily assume duties of an administrative law specialist.

The November 2015 Dashboard Project was reviewed.

Jim Spalding provided an update on the "Back to Basics" training seminars. Jim Spalding and Fred Vocino are scheduled to present at the Grand Rapids Community College on January 8, 2016; Jim Spalding and Micki Czerniak will return for a presentation at the MEA Conference at Cobo Hall on February 5, 2016. Jim Spalding will contact Dennis Boren regarding a joint training seminar with the NLRB, Region 7, in the spring of 2016. Other sites of interest for future Back to Basics seminars: Muskegon County School District, Teamsters/Joe Valenti, UAW Labor Management Committee, Michigan Association of School Boards/Michigan Association of School Administrators.

The Commission publicly thanked Sidney McBride & Micki Czerniak for their efforts in the Wayne County negotiations. Sidney responded by thanking the Commission for allowing him the opportunity to assist Micki in those negotiations.

The 2016 MERC Meeting Schedule was reviewed and confirmed. The March 24, 2016 meeting has been rescheduled to Monday, March 21, 2016, 10:00 a.m., at the Library of Michigan, Lake Superior Room, 720 W. Kalamazoo, Lansing.

Director Okun will not be in attendance at the February 9, 2016 meeting. Jim Spalding will represent Director Okun in her absence.

It was confirmed that the next regular MERC meeting is scheduled for Tuesday, January, 12, 2016, 10:00 a.m., at the Library of Michigan, Lake Superior Room, 720 W. Kalamazoo, Lansing.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***Teamsters Local 214 -and- Pauline Beutler***, Case No. CU13 I-037.
2. ***17th Judicial Circuit Court -and- Technical, Professional and Officeworkers Assn of Michigan (TPOAM) -and- United Auto Workers (UAW) Local 2600 -and- Kent County -and- 63rd District Court -and- Kent County Probate Court***, Case No. R15 I-081.
3. ***Detroit Public Schools -and- Paul Cherry***, Case No. C15 B-025.
4. ***Standish-Sterling Educational Support Personnel Association -and- Mark Norgan***, Case No. CU14 B-002. The Commission moved to table the matter to the January 12, 2016 MERC meeting. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

The Commission reviewed the following matter:

1. ***Meko D. Moore -and- Capitol City Lodge #141, Fraternal Order of Police***, Case No. C14 C-028. The Charging Party filed a Motion for Reconsideration of the Commission's decision to deny Charging Party's request for an extension to file exceptions. The Commission moved to deny Charging Party's request. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

NEW BUSINESS

The Department of Treasury Emergency Manager/DEP Information and the Deficit School District list were reviewed. It was reported that there has been a decline of 15 school districts (56-41) in deficit status and working under a Deficit Elimination Plan since January 2005. Five new school districts have been added to the list of districts which have submitted and are working under the Deficit

Elimination Plans. The Department of Treasury will be examining districts to determine how to eliminate deficits. It was noted that the information from the reports will aid the mediators in dealing with respective parties.

Mediator Tom Kreis has completed a draft of the Act 312/Fact Finding template. The template will be online compatible with the drop down menu that will be helpful to the Act 312 arbitrators and fact finders. The format will be mandatory for arbitration in order to ensure consistent data. Commission Chair Callaghan suggested that an open invitation be extended to the arbitrators and fact finders for their input after a draft template has been prepared. Commissioner LaBrant asked how the template could be required absent a rule. Director Okun commented that it is in further compliance with the statute and that there is strong enough language in the statute to allow the template. The Commission requests to be informed of the timeframe for completion.

OLD BUSINESS

A letter from Bernadette Bartlett of the Library of Michigan was shared by Director Okun.

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 11:25 p.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

