

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

APPROVED MINUTES
REGULAR MEETING OF DECEMBER 9, 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, 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; James Spalding, Mediation Supervisor; Micki Czerniak, Mediator; Ann Warner, Administrative Law Specialist; Ashley Olszewski, Paralegal; Carl Wexel, Law Clerk and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney Michael Shoudy, Michigan Education Association and Attorney Tim Gardner, Thrun Law Firm.

The Commission moved to amend the proposed agenda of the regular MERC meeting of December 9, 2014. The draft decision in the ***Pontiac Education Association -and- Pontiac School District***, Case No. CU12 J-047 was added to the Decisional Agenda. 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 November 12, 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. There are 12 Act 312 cases and 32 Fact Finding cases listed on the report. Commission Chair Callaghan inquired about the meaning of the term "suspended" listed in the status line of the Fact Finding Report. Director Okun will speak to Fact Finding Secretary, Deborah Stewart regarding the inquiry and will report back.

The Administrative Law Judge Reports were reviewed and discussed.

The Event Report was reviewed.

The Representation and Election Reports were reviewed and discussed. Updates were reported by the Director. There are 50 active cases currently listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

The Mediation Activities Trends Report was reviewed by Jim Spalding. He stated that there has been an increase in the grievance mediation activity due to a greater awareness by the parties of the grievance mediation service provided by MERC.

There were no work stoppages to report.

The Appellate Report was reviewed. There are 18 MERC cases currently pending before the Michigan Court of Appeals. There is currently one MERC case pending before the Michigan Supreme Court.

ADMINISTRATIVE AGENDA

Updates were reported by the Director on the cases set forth on the significant cases report. An update was provided in the City of Detroit post-bankruptcy proceedings. The Director noted that LARA is seeking an opinion from the Attorney General concerning how to proceed with the cases involving the City of Detroit post-bankruptcy. An inquiry was received from the City of Detroit regarding the reduction of some unions to a one person bargaining unit.

Mediator Fred Vocino reported that a ratification vote of a collective bargaining agreement is being considered by the parties in the **City of Lowell and IBEW** matter. The mediator will be in contact with the parties regarding the results of the meeting.

Commissioner LaBrant expressed a concern regarding the length of time between Commission discussion of a case and case issuance. He noted that, at times, his recall of a case is lessened significantly because it takes such a long time before the case is issued. The Director explained that there have been some internal matters that have resulted in a delay in case issuance and that sometimes a decision is not issued because of the current bargaining situation of the parties. Both the Commission and staff are committed to a more prompt issuance of cases in the future.

An update was provided by Jim Spalding on the MERC Act 312/Fact Finder Constituent Training scheduled on March 26-27, 2015 at the Schoolcraft College

VisTa Tech Center in Livonia. The agenda has been finalized and will be uploaded onto MERC's website.

Jim Spalding provided an update on the Back to Basics training seminars. Jim reported that seminars have been scheduled for the MEA Conference at Cobo Hall in Detroit on February 12, 2015 and in the Marquette area on May 1, 2015. The Western UP, Kalamazoo and Grand Rapids areas are also being considered as areas of interest for a Back to Basics training seminar.

Plans for training panel members on the MERC Rule amendments will move forward now that both sets of rules have been approved by the legislature. Notification to constituents and implementation/enforcement of the new rules will begin after the New Year.

There was discussion regarding MERC Grievance Arbitration/Grievance Mediation Services and Back to Basics training that is being considered via Webinar. Paralegal Ashley Olszewski suggested adding a ticker to MERC's website to monitor the number of people interested in a PDF version of the training seminars.

An update was reported by the Director regarding MERC litigation. She reported that the Attorney General's Office is scheduled for oral argument before the Michigan Supreme Court regarding Freedom to Work and the State of Michigan employees in January 2015.

The next regular MERC meeting is scheduled for Tuesday, January 13, 2015 at the State of Michigan Library and Historical Center, Lake Superior Room, 720 W. Kalamazoo, Lansing, Michigan. The dates and locations of the 2015 MERC meeting schedule were adopted as proposed. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed. The Commission requested to table the tentative dates of the 2016 MERC meeting schedule.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***Traverse Bay Intermediate School District -and- Traverse Bay Area Intermediate School District Educational Support Personnel Assn,*** Case No. C12 G-130.
2. ***Ionia Public Schools -and- Ionia Education Association, MEA/NEA,*** Case Nos. C12 E-094 & CU12 C-013.
3. ***Pontiac School District -and- Pontiac Education Association,*** Case Nos. C11 K-197 & CU12 D-019.

The Commission discussed the following matter:

4. ***Tri County Area Schools -and- Tri County Custodial/Maintenance Association, MEA/NEA, Case No. C13 E-081.***

NEW BUSINESS

The Department of Treasury Emergency Manager/DEP Information and the Deficit School District list were reviewed.

An update on the November 2014 Dashboard Project was reported by Paralegal Ashley Olszewski. Staff and especially Ms. Olszewski were recognized for their efforts and hard work.

OLD BUSINESS

Director Okun reported that the General Rules were adopted on December 11, 2014 and the Act 312 Rules Amendment was adopted on December 5, 2014.

Mediator Sidney McBride was acknowledged personally by the Commission for all of his hard work and perseverance through the Administrative Rules project.

The Open Meetings Act legislation was revisited. Director Okun was asked by the Commission to contact Frank Waters, Director of the Office of Policy and Legislative Affairs, to reiterate that the Open Meetings Act is an important priority to the Commission and to inquire regarding what can be done to push the legislation forward.

PUBLIC COMMENT

Attorney Michael Shoudy of the Michigan Education Association had comments regarding the mid-winter meeting of the State Bar of Michigan, January 25-26, 2015 at the Detroit Athletic Club.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner LaBrant moved and Commissioner Yaw seconded that the meeting be adjourned at 11:06 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

