

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

APPROVED MINUTES
REGULAR MEETING OF FEBRUARY 9, 2016
DETROIT, MICHIGAN

The meeting of the Employment Relations Commission was called to order at 10:00 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 Commissioner Natalie P. Yaw; Lynn Morison, Staff Attorney; James Spalding, Mediator Supervisor; Micki Czerniak, Mediator; Ashley Olszewski, Paralegal; Carl Wexel, Temporary Administrative Law Specialist and Nancy Pitt, Executive Secretary.

Public in attendance: Anthony Marasco, Metro Bureau; Kevin Loftis and John T. Barr, POAM.

The Commission moved to approve the proposed agenda of the February 9, 2016 regular MERC meeting. 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 January 12, 2016 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 12 Act 312 cases and 20 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 are currently 36 active cases listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

The Mediation Activities Trends Report was reviewed. An update was provided by Jim Spalding.

There were no work stoppages to report.

The Appellate Report was reviewed.

ADMINISTRATIVE AGENDA

Updates were reported by the Commission Chair on the significant cases report.

DPS/DFT – DPS has not filed a PA 112 petition.

GLWA/DWSD – There are bargaining unit placement issues that were not resolved regarding two classifications. The hearing phase before a MAHS ALJ has concluded, and a decision is anticipated in April or before.

DWSD – A letter has been sent by the fact finder to the parties indicating that he is inclined to administratively dismiss these cases. The parties have been asked to respond by later this month if they believe that fact findings should proceed.

Act 312 Arbitrator/Fact Finder Ralph Maccarone's request for review of his status for continued classification as a neutral (non-advocate) on MERC's panels was reviewed and considered by the Commission. Mr. Maccarone has accepted a position as Of Counsel to a law firm that represents management or a union in collective bargaining or labor relations. Following a review of the information submitted, along with a review of the research conducted by bureau staff, the Commission determined that Mr. Maccarone should be considered to be a "advocate" in accordance with the definition of that term in MERC's Administrative and Act 312 rules.

Jim Spalding provided an update on the template for Act 312 Arbitration Awards and Fact Finding Reports project. The Committee Members, Jim Spalding, Micki Czerniak, Tom Kreis and Bill Long are coordinating their efforts to finalize the template. Members of the Advisory Committee will be contacted for their input and comment. The anticipated date of completion is April 2016. An update will be provided at the March 21, 2016 MERC meeting.

The January 2016 Dashboard Project was reviewed. Carl Wexel was recognized by the Commission. Carl will be returning permanently to BER as an Administrative Law Specialist effective February 15, 2016.

An overview of the current PA 112 procedure was given by Staff Attorney Lynn Morison at the request of Commissioner LaBrant.

It was confirmed that the next regular MERC meeting is scheduled for Monday, March 21, 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. ***Grand Blanc Clerical Association, MEA, and MEA -and- Mary Carr -and- Battle Creek Educational Secretaries Assn, MEA, and MEA Assn -and- Alpha Snyder***, Case Nos. CU14 C-020 & CU14 C-009.
2. ***Teamsters Local 214 -and- Tina House***, Case No. CU14 C-010.

The Commission discussed the following matters:

1. ***Detroit Public Schools -and- Heather Miller***, Case No. C13 B-028.

The Charging Party filed a motion to reopen the record. It was moved by Commissioner LaBrant and seconded by Commissioner Yaw to direct ALS Carl Wexel to include language denying the motion to reopen the record when the decision in this matter is drafted. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

TENTATIVE DECISIONAL AGENDA, March 2016

DRAFTS

1. ***Kalkaska County Road Commission -and- United Steelworkers Local 8287***, Case No. C13 E-082.
2. ***City of Detroit/DWSD -and- AFSCME et al***, Case No. UC15 L-24.

NEW BUSINESS

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

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

There was no new business to discuss.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner LaBrant moved that the meeting be adjourned at 10:31 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.