

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

APPROVED MINUTES
REGULAR MEETING FEBRUARY 10, 2015
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, 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; Mediators Micki Czerniak and Sidney McBride; Ann Warner, Administrative Law Specialist; Denise Hinneburg, Election Officer; Ashley Olszewski, Paralegal and Nancy Pitt, Executive Secretary.

Public in attendance: Tony Marasco, Metro Detroit Bureau of School Studies; Attorney Cliff Hammond, Nemeth Law Firm, PC; Attorney Derk Wilcox, Mackinac Center Legal Foundation; Kevin Loftis and John Barr, Police Officers Association of Michigan; Attorney Tim Gardner, Thrun Law Firm and Dennis Raterink, Attorney General's Office.

The Commission moved to amend the proposed agenda of the regular MERC meeting of February 10, 2015 to move up the Closed Session to Item III. 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 LaBrant and seconded by Commissioner Yaw to adopt the minutes of the regular meeting of January 13, 2015 as proposed. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

Pending Litigation (closed session)

The Commission called for a closed session at 10:02 a.m. Updates were provided by Dennis Raterink, Assistant Attorney General, concerning pending litigation cases involving the Commission including the RTW cases; City of Detroit post bankruptcy; City of Detroit Water & Sewerage Department, *Michigan State AFL-CIO, et al v Callaghan, et al*, Case No. 13-cv-10557, *UAW, et al v Nino Green, et al*, Case No. 314781 and the John Moralez matter. The

Commission moved to return to Open Session at 10:25 a.m. 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 28 Fact Finding cases listed on the report.

The Administrative Law Judge Reports were reviewed and discussed.

The Event Report was reviewed.

The Representation and Election Reports were reviewed and discussed. There are 47 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.

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. Tentative agreements have been reached by the parties with the teachers, support staff and administrators in Benton Harbor Area Schools. Ratification on all contracts is set for February 14, 2015. The settlements will be submitted to the Department of Treasury for approval under the Consent Agreement.

The City of Detroit post bankruptcy cases continue to be held in abeyance pending review by the Attorney General's Office.

Denise Hinneburg provided an update on the audits of unions representing public sector employees. It was noted that according to recent amendments to PERA, the exclusive bargaining representatives are required to file an audit of their expenditures by July 1 of each year. The exclusive bargaining units are also required to file a declaration identifying the local bargaining units that are represented.

The Commission recognized Mediator Tom Kreis for his efforts in accepting the task of preparing the Act 312/Fact Finding Trends Report. Mediators Sidney McBride and Micki Czerniak were also recognized for their hard work on the General Rules amendment and the Act 312 Rules amendment projects.

The January 2015 Dashboard Project was reviewed.

Jim Spalding provided an update on the MERC Act 312/Fact Finder Constituent Training scheduled on March 26-27, 2015 at the Schoolcraft College VisTa Tech Center in Livonia. He reported that the agenda has been finalized and all logistics are in place. He has conference calls scheduled with the presenters and the first registration count is due in four weeks.

Jim Spalding provided an update on the Back to Basics training seminars. The seminars scheduled for the MEA Conference at Cobo Hall on February 12, 2015 and in the Upper Peninsula at Northern Michigan University on May 1, 2015 have been confirmed. Bay City is also being considered as an area of interest for a Back to Basics training seminar.

The next regular MERC meeting is scheduled for Tuesday, March 24, 2015, 10:00 a.m., at the State of Michigan Library and Historical Center, Lake Superior Room, 720 W. Kalamazoo, Lansing, Michigan. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***Taylor School District -and- Taylor Federation of Teachers, AFT, Local 1085 -and- Nancy Rhatigan, Rebecca Metz and Angela Steffke***, Case Nos. C13 G-133 & CU13 G-029.
2. ***Detroit Transportation Corp. -and- Michigan Association of Police -and- Vernon White***, Case Nos. C14 I-098 & CU14 I-039.
3. ***Three Rivers Community Schools -and- Theresa Susssdorf -and- Michigan Education Association***, Case No. R14 G-048.
4. ***Tri-County Area Schools -and- Tri-County Custodial/Maintenance Association, MEA/NEA***, Case No. C13 E-081.
5. ***Garden City Public Schools -and- Garden City Education Association, MEA/NEA***, Case No. C13 K-180.

NEW BUSINESS

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

OLD BUSINESS

An update on the Open Meetings Act legislation was provided by Director Okun. Director Okun reported that the Commission has received authority from the LARA Executive Office to move forward to present the amendment to the legislature.

Director Okun provided an update regarding the John Moralez matter.

PUBLIC COMMENT

There were comments from Attorney Cliff Hammond of Nemeth Law Firm regarding the 13th check issue in Wayne County, Case No. C10 J-266. He also had comments regarding Taylor School District, Case Nos. C13 G-133 & CU13 G-029.

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 11:05 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.