

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

APPROVED MINUTES
REGULAR MEETING OF JANUARY 12, 2016
LANSING, 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 the Library of Michigan, Lake Superior Room, 720 W. Kalamazoo, Lansing, 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, Mediator Supervisor; Denise Hinneburg, Elections Officer; Ashley Olszewski, Paralegal; Carl Wexel, Temporary Administrative Law Specialist and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney Philip Clark, Thrun Law Firm.

The Commission moved to amend the proposed agenda of the January 12, 2016 regular MERC meeting to add the December 2015 Dashboard Results Report to the Administrative Agenda as Item #5. 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 December 8, 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 12 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 are currently 34 active cases listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

The Mediation Activities Trends Report was reviewed.

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.

DWSD/GLWA - There are bargaining unit issues that were not resolved regarding two classifications (Plant Technician and Office Support Specialist). The parties are participating in proceedings before a MAHS ALJ to determine the appropriate unit placement of these two classifications.

DPS/DFT – The teachers of the Detroit Public Schools staged a “sick out” protesting what they perceive as the intolerable conditions in many school buildings resulting in the closure of many of the DPS schools. Director Okun noted that our mediators are making contact with the parties to offer mediation assistance if needed.

The Commission approved the application of John Robert Panico for appointment to the Grievance Arbitration Panel. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

The Commission approved the application of Michael J. Bommarito for appointment to the Grievance Arbitration panel. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

The Director was directed to advise Mr. Panico and Mr. Bommarito of the reduction in the number of grievance arbitration cases received by the Commission in the last few years.

An email from Sidney McBride regarding the City of Detroit stale cases was discussed. Based on a review of the existing stale cases involving the City of Detroit departments, Mediators Sidney McBride and Micki Czerniak recommended the issuance of show cause orders or the issuance of an administrative dismissal in the three pending DWSD Fact Finding cases. The cases involve bargaining units comprised of classifications previously under the DWSD, but are currently under the authority of the GLWA. It was moved by Commissioner LaBrant and seconded by Commissioner Yaw to allow Director Okun to issue show cause orders in the City of Detroit/DWSD Fact Finding matters or to administratively dismiss those cases. A vote was called. Edward

D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

It was confirmed that the next regular MERC meeting is scheduled for Tuesday, February 9, 2016, 10:00 a.m., in the Commission's offices at 3026 W. Grand Blvd., Ste. 2-750, Detroit, Michigan.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***City of Saline -and- Christopher Boulter***, Case No. C14 B-021.
2. ***Standish-Sterling Educational Support Personnel Association -and- Mark Norgan***, Case No. CU14 B-002.
3. ***Detroit Transportation Corporation -and- Michigan Fraternal Order of Police Labor Council***, Case No. UC15 C-007.
4. ***Teamsters Local 214 -and- James A. Cottrell***, Case No. CU13 K-067.
5. ***Meko D. Moore -and- Capitol City Lodge #141, Fraternal Order of Police***, Case No. C14 I-163.

The Commission reviewed the following matter:

1. ***36th District Court -and- AFSCME Council 25 and its Affiliated Local 917***, Case No. C13 I-163. Charging Party filed a request to extend the page limit for its exceptions and brief from 50 to 70 pages. It was moved by Commissioner Yaw and seconded by Commissioner LaBrant to grant Charging Party's request to extend the page limit from 50 to 70 pages and to grant an additional 30 days to file briefs. 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 noted that eleven school districts are subject to preliminary review by the Emergency Loan Board beginning January 2016.

OLD BUSINESS

The Act 312/Fact Finding template is in the process of being finalized. The Commission requested an update on the template at the February 9 MERC

meeting on the steps to complete the project and the anticipated timeline for completion.

Jim Spalding provided an update on upcoming “Back to Basics” training seminars -Grand Rapids Community College, 1/18/16; MEA Conference at Cobo Hall, 2/5/16 and Muskegon County School District, 2/18/16.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner moved that the meeting be adjourned at 10:41 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.