

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

APPROVED MINUTES  
REGULAR MEETING OF JULY 21, 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, Cadillac Place, 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; Ashley Olszewski, Paralegal; and Deborah Stewart, Legal Secretary.

Public in Attendance: Kevin Loftis, POAM; Tim Gardner, Thrun Law Firm; Patrick Wright and Bobbi Joukos, MCPP.

It was moved by Commissioner LaBrant and seconded by Commissioner Yaw to adopt the proposed agenda of the regular MERC meeting of July 21, 2015. 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 MERC meeting of June 9, 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.

### **DIRECTOR'S REPORT**

The Act 312 and Fact Finding Reports were reviewed and discussed. There are 10 Act 312 cases and 30 Fact Finding cases listed on the report.

The Administrative Law Judge Reports were reviewed and discussed. Commissioner Yaw asked about the period of the report's data. Director Okun explained that the report data is from one month back.

The Event Report was reviewed.

The Representation Case Status Report was reviewed. Commissioner Yaw asked how long a case remains inactive on the report. Director Okun will follow-up with Elections and will provide a response.

The Representation Case Activity Report was reviewed and discussed.

The Elections Report was reviewed. Commissioner Callaghan asked about the Northwestern Michigan College election – whether it was an accretion. Director Okun to follow-up with Elections and will provide clarification.

The Mediation Report was reviewed.

Mediation Activities Trends Report. An update was provided by Jim Spalding. He reported that the grievance mediation cases continue to run strong.

There were no Work Stoppages to report.

The Appellate Report was reviewed. There are fifteen MERC-related cases pending before the Michigan Court of Appeals and two MERC cases pending before the Michigan Supreme Court.

## **ADMINISTRATIVE AGENDA**

Significant/critical/newsworthy cases report was reviewed. Commissioner Callaghan asked about the status of the creation of Great Lakes Water Authority. Director Okun commented that she thought it would become official in January 2016 and that she will follow up with more information about this matter and other hot issues. This will include the status of bargaining between Detroit Public Schools and Detroit Federation of Teachers.

Personnel update - Director Okun provided an update that Seth Filthaut is temporarily filling in for Ann Warner during her absence.

Strategic planning – Director Okun brought the Commission up to date regarding the Bureau's Strategic Plan that has been prepared by Micki Czerniak; it was reviewed and will be submitted to Lansing for review and comment.

2015 BER Employee Action Plan – Director Okun provided an update. She stated that the Bureau submitted an Employee Engagement Action Plan that is designed to assist the Bureau in improving scores on the Employee Engagement Survey that is disseminated in a year or two. The Bureau's Action Plan has been submitted, and the Commission was provided a copy of it.

An update on the June Dashboard Project was provided by Ashley Olszewski. She indicated that it was all green, indicating that all target goals had been met.

The Commission received the Application for the Appointment to Grievance Arbitration Panel and related materials for David W. Hershey. Commissioner LaBrant moved to accept Hershey as panel member. During discussion on the Motion, Commissioner

Callaghan questioned the percentage of management and/or labor members on the panel, as well as if there was enough work to support adding members to the existing panel. Commissioner Yaw agreed. Commissioner LaBrant withdrew his motion and it was determined that the Motion may be brought back next month, after the Director provides information as to the number of pending grievance arbitration/filings (vs. the number years ago) and, also regarding the percentage of management advocates on the panel vs. the number of labor advocates.

It was confirmed that the next Commission meeting is scheduled for Tuesday, August 11, 2015 at 10:00 a.m. at the Commission's Detroit Office, 3026 W. Grand Blvd., Suite 2-750, Detroit, Michigan.

## **DECISIONAL AGENDA**

***City of Detroit -and- Police Officers Association of Michigan***, Case No. C12 I-178. Commissioner LaBrant moved to adopt the decision. He stated that the Commission received a letter from Charging Party requesting to withdraw the charges. A vote was called on the motion. Edward D. Callaghan, Aye; Robert LaBrant, Aye; Natalie P. Yaw, Aye. Motion Passed.

***Wayne County -and- Michigan AFSCME Council 25, AFL-CIO***, Case No. C10 J-266. Commissioner LaBrant moved to deny the motion for stay. He stated that since the parties appealed the Commission decision, an order to stay would have to come from the Court of Appeals. A vote was called on the motion. Edward D. Callaghan, Aye; Robert LaBrant, Aye; Natalie P. Yaw, Aye. Motion Passed.

***Wayne County Airport Authority -and- Michigan AFSCME Council 25 and its Affiliated Local 953***, Case No. C13 B-037. Commissioner Yaw moved to adopt ALJ decision. A vote was called on the motion. Edward D. Callaghan, Aye; Robert LaBrant, Aye; Natalie P. Yaw, Aye. Motion Passed.

***Capac Community Schools -and- Capac Education Association, MEA/NEA***, Case No. C13 C-038. Commissioner LaBrant moved to adopt the decision before the Commission and motion was seconded by Commissioner Yaw. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; and Natalie P. Yaw, Aye. Motion passed.

## **NEW BUSINESS**

Department of Treasury Emergency Manager/Deficit Elimination Plan Information. Commissioner Callaghan stated that some school districts are out of DEP but a number have entered a deficit situation. Jim Spalding stated that he had had a meeting with the Department of Education, Deficit District Division in which he explained the negotiations and mediation processes and how mediators might be of assistance during the negotiation process. The Education Department indicated that it would encourage

school districts to enter into the mediation process whenever possible and whenever it appears that it would benefit the parties.

## **OLD BUSINESS**

Electronic Filing Policy – The Commission approved the revised policy. This was discussed at a prior meeting. Commissioner Yaw moved to adopt the revised Fax and Electronic filing policy and it was seconded by Commissioner LaBrant. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; and Natalie P. Yaw, Aye. Motion passed.

MERC Annual Report – 2015 – status of project. It was reported by Commissioner Callaghan that the table of contents has been finalized and that the PERA 50<sup>th</sup> anniversary information should also be added to the report. A meeting is scheduled for August 18, 2015 with Director Okun and her staff to continue working on the report.

PERA 50<sup>TH</sup> Anniversary celebration. There was discussion and excitement expressed about the event celebration scheduled today from 1pm - 4pm. Director Okun commended her able staff – especially Sidney McBride and Micki Czerniak for their tremendous work that will culminate in the event.

## **PUBLIC COMMENT**

There was no public comment.

## **ADJOURNMENT**

There being no further business before the Commission at this time, it was moved by Commissioner Callaghan and seconded by Commissioner Yaw that the meeting be adjourned at 10:35 a.m. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; and Natalie P. Yaw, Aye. The Motion Passed.