

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

APPROVED MINUTES
REGULAR MEETING OF JUNE 14, 2016
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; Jim Spalding, Mediation Supervisor; Mediator Sidney McBride; Carl Wexel, Administrative Law Specialist; Ashley Olszewski, Paralegal and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney Timothy Gardner, Thrun Law Firm.

The Commission moved to approve the proposed agenda of the June 14, 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 May 10, 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 and discussed. Updates were provided by the Director. There are 17 Act 312 cases and 18 Fact Finding cases listed on the reports.

The Administrative Law Judge Reports were reviewed and discussed. Updates were provided by the Director.

The Event Report was reviewed.

The Representation and Election Reports were reviewed and discussed. There are currently 59 active cases listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed and discussed.

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

The work stoppage at the Detroit Public Schools was discussed. The Court of Claims will resume its evidentiary hearing on July 8 as to whether a preliminary injunction should issue against former DFT President Steve Conn and DFT teacher Nicole Conway.

The Appellate Report was reviewed. There are 10 MERC cases pending before the Michigan Court of Appeals and 3 cases pending before the Michigan Supreme Court. It was noted that the Michigan Court of Appeals has consolidated 4 of the 5 appeals of MERC decisions in the Right to Work cases.

ADMINISTRATIVE AGENDA

Updates were provided by the Director on the significant cases report.

The public school employee strike law, Act 112, has been amended via House Bill 5387. The bill amending PERA passed both the Senate and the House and should be signed into law at a future date.

Staff members from BER and MAHS have volunteered to participate on the rulesmaking committee to begin the process of revising BER's Rules to administer with House Bill 5387. MERC Commissioner, BER staff, along with persons from MAHS will be on this committee to prepare and review draft rules. Carl Wexel has been asked to head the rulesmaking committee.

Sidney McBride provided an update on the City of Detroit/DWSD cases. He reported that the two DWSD fact finding cases listed on the "Detroit Stale Case Project" Report have been administratively closed. He and Micki Czerniak will follow up with MAHS ALJ Stern concerning the open ULP cases. Commission Chair Callaghan requested that a written report concerning the stale cases project be provided before the August 9 MERC meeting.

Jim Spalding reported an update on the Back to Basics training seminars. He reported that the seminar in Kalamazoo on May 8, was well attended by members of the public and private sector. Jim will be meeting with persons at the NLRB and DTMB on June 15 for a walk through of the Forum Room at the Museum/State of Michigan Library. The facility is being considered for the MERC/NLRB joint training program that is tentatively planned in September or October 2016. Carl Wexel has been asked to assist as a facilitator at the joint program.

The May 2016 Dashboard results were reviewed. The BER staff was recognized for all of their efforts in achieving a score of 100% in all targeted areas. The Commission moved to receive the May 2016 Dashboard results and to recognize staff members for their efforts in maintaining a score of 100% in all targeted areas. 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 meeting is scheduled for Tuesday, July 12, 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. ***Saginaw Valley State University -and- R. Lee Ross***, Case No. C13 J-175.
2. ***Reese Public Schools -and- Reese Professional Education Association, MEA/NEA***, Case No. UC14 K-019.

TENTATIVE DECISIONAL AGENDA, July 2016

1. ***Shiawassee Intermediate School District Education Association, MEA/NEA -and- Shiawassee Regional Education Service District***, Case No. CU15 F-019.
2. ***Macomb County -and- AFSCME Council 25 and its Affiliated Local 893 -and- John P. Greiner***, Case Nos. C13 D-074 & CU13 D-017.

NEW BUSINESS

The Department of Treasury Emergency Manager/Deficit Elimination Plan Information – there was no updated information available for review. Mediation Supervisor Jim Spalding reported that updated information will soon be available.

The Director reported that the Wage & Hour Division is preparing a massive mailing of posters and other information regarding Human Trafficking laws. She noted an Executive Order is being prepared regarding wages paid to harvesters. The Wage & Hour staff is now under the supervision of Director Okun and Mediation Supervisor Jim Spalding.

Commission Chair Callaghan will meet with Bureau staff members on June 28 to begin preparation for the 2016 Annual Report. The Commissioners were asked to provide their input and suggestions as to any revisions that should be made to the previous year's Report. Reports from California, New York, New Jersey and

Wisconsin will be reviewed for ideas as to the types of material to be included in the Report.

OLD BUSINESS

The Templates for Act 312 Arbitration Awards and Fact Finding Reports are being posted on MERC's website. Future service contracts will be revised to require usage of the approved format, effective 10/1/16.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Yaw moved that the meeting be adjourned at 10:57 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.