

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

APPROVED MINUTES
REGULAR MEETING OF MARCH 24, 2015
LANSING, MICHIGAN

The meeting of the Employment Relations Commission was called to order at 10:02 a.m., by the Commission Chair, Edward D. Callaghan, at the State of Michigan Library and Historical Center, Lake Superior Room, 720 W. Kalamazoo, Lansing, Michigan.

Those in attendance: Edward D. Callaghan, Commission Chair; Commissioner Robert S. LaBrant; via telephone conference Commissioner Natalie P. Yaw; Ruthanne Okun, Bureau Director; Lynn Morison, Staff Attorney; James Spalding, Mediation Supervisor; Mediator Sidney McBride; Ann Warner, Administrative Law Specialist; Ashley Olszewski, Paralegal; Seth Filthaut, Law Clerk and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney Michael Shoudy, Michigan Education Association; Attorney Ryan Nicholson, Thrun Law Firm; Attorney Cliff Hammond, Nemeth Law Firm, PC.

The Commission moved to amend the proposed agenda of the regular MERC meeting of March 24, 2015. The draft decision in **Wayne County -and- Michigan AFSCME Council 25, AFL-CIO**, Case No. C10 J-266 is not ready, and this item was removed from the Decisional Agenda. 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 meeting and minutes of the closed session of February 10, 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.

Commissioner LaBrant inquired about the disposal of closed session meeting minutes. The Commission discussed disposing of the minutes of closed session meetings in accordance with the Open Meetings Act, and requested that the Director look into doing so.

DIRECTOR'S REPORT

The Act 312 and Fact Finding Reports were reviewed and discussed. Updates were reported by the Director. There are 14 Act 312 cases and 25 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 68 active cases currently listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

The Mediation Activities Trends Report was reviewed and comments were made by Jim Spalding. He noted that there has been an increase in the number of grievance mediation requests and that contract mediation requests are also up from 2014.

There were no work stoppages to report.

The Appellate Report was reviewed. There are 15 MERC cases currently pending before the Michigan Court of Appeals. There are currently two MERC cases pending before the Michigan Supreme Court.

ADMINISTRATIVE AGENDA

Updates were reported by the Director on the cases set forth on the significant cases report. Kudos to Tom Kreis for his diligence and persistence in resolving the contract negotiations in the COOR ISD case and to Jim Spalding for driving in inclement weather to Benton Harbor to assist in contract negotiations in the Benton Harbor Area Schools case.

The Director provided the Commission with the Notice of Removal to the U.S. Bankruptcy Court filed by the City of Detroit in the City of Detroit Police, Lieutenants and Sergeants Association unfair labor practice matter.

The City of Detroit post bankruptcy cases continue to be held in abeyance pending review by the Attorney General's Office. Mediator Sidney McBride shared his proposal to utilize the services of the mediators to reduce the number of pending open cases involving the City of Detroit post bankruptcy. He and Mediator Micki Czerniak will offer mediation to resolve these cases.

This procedure was approved by the Attorney General's office and, also, by the Commission. The Commission requested that an update be obtained concerning the status of collective bargaining agreements between the City of Detroit and its Unions.

The Director also discussed the request from a couple of months ago by the AFSCME Union to resume processing the unit clarification petition in the DWSD. The DWSD has since filed a Motion in Federal Court to clarify a previous Federal Court order that may bar such collateral proceedings at MERC.

The Commission welcomed Seth Filthaut who is working as a law clerk for a limited period of time with our agency on a program sponsored by MSU College of Law.

The deadline for completion of the Employee Engagement Survey is March 30, 2015. The Commission encouraged participation.

The February 2015 Dashboard Project was reviewed.

Shout Outs were extended to Jim Spalding and his committee members, Tracy Marr, Lynn Morison, Maria Greenough, Deborah Stewart and Tom Kreis for their team effort and participation in organizing the extremely successful Act 312/Fact Finder Constituent Training.

There was discussion regarding the ramifications for non-attendance to the Act 312/Fact Finder Constituent Training on March 26-27, 2015. The Commission requested a list of the arbitrators/fact finders who would not be in attendance at the training and will consider at its April meeting the list of panel members who have requested to be excused from the training. In accordance with its previous direction, panel members who were not excused from attending the training will be placed on inactive status and will not be available for selection by the parties for a period of one year.

Jim Spalding provided an update on the Back to Basics training seminar scheduled in the Upper Peninsula at Northern Michigan University on May 1, 2015. At this time, fifteen registrations have been received for the training seminar. Jim reported that POAM is scheduling a training seminar in the Upper Peninsula for approximately twenty staff members, and these registrants will also attend our Back to Basics program. Jim also reported that the Back to Basics training seminar at the MEA Conference at Cobo Hall was well attended and well received.

Employee Engagement Specialist Tene Logan has been assigned the task of making recommendations to update and improve the BER website. Tene also will provide an update at the April MERC meeting regarding a possible training session regarding MERC rules amendments.

The next regular MERC meeting is scheduled for Tuesday, April 14, 2015 at the Commission's Detroit Offices, 3026 W. Grand Boulevard, Suite 2-750, Detroit, Michigan. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

The regular MERC meeting scheduled for Wednesday, July 22, 2015 now scheduled in Lansing is rescheduled to Tuesday, July 21, 2015 at the Commission's Detroit Offices, 3026 W. Grand Boulevard, Suite 2-750, Detroit, 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. ***River Rouge School District -and- River Rouge Education Association***, Case No. C09 J-202.
2. ***Ann Arbor Public Schools -and- Ann Arbor Education Association -and- Sheila McSpadden***, Case Nos. C14 G-086 & CU14 G-047.

NEW BUSINESS

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

The Commission reviewed and considered the letter from John Parkinson requesting that his name be redacted from a MERC case currently posted on the agency's website. There was also discussion about removing the case from MERC's website. The Commission noted that their decisions are a matter of public record and they are not in the business of redacting names from MERC cases. A motion was called to deny the request for redaction. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

There was discussion regarding the celebration of the 50 year anniversary of PERA. The Commission requested to reschedule the date and location of the July 22 MERC meeting to July 21, 2015 in the Detroit Office for the event. A reception is being considered to follow the July MERC meeting.

OLD BUSINESS

There were no updates reported on the Open Meetings Act Legislation.

The policy regarding electronic transmission of documents will be placed on the April 14, 2015 MERC Agenda.

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 10:46 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.