

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

**APPROVED MINUTES  
REGULAR MEETING OF NOVEMBER 10, 2015  
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 State of Michigan Library and Historical Center, Lake Superior Room, 720 W. Kalamazoo, Lansing, MI.

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; Carl Wexel, Staff Attorney; Tracy Marr, Lansing Mediation/Elections Secretary.

Public in Attendance: Attorney Tim Gardner, Thrun Law Firm.

The Commission moved to adopt the proposed agenda of the regular MERC meeting of November 10, 2015. 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 LaBrant and seconded by Commissioner Yaw to adopt the minutes of the regular meeting of October 13, 2015. 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 reported by the Director. There are 12 Act 312 cases and 15 Fact Finding cases listed on the reports.

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 currently 53 active cases listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

The Mediation Activities Trends Report was reviewed. An update was provided by Mediator James Spalding. The number of Grievance Mediations has increased, and it is anticipated

that the number of mediations related to contract negotiations will increase as well as contracts that are due to expire.

There were no work stoppages to report at this time.

The Appellate Report was reviewed. There are 11 cases pending before the Michigan Court of Appeals and one case pending before the Michigan Supreme Court.

### **ADMINISTRATIVE AGENDA**

Commissioner LaBrant asked for an update on the application of John Robert Panico to be a Grievance Arbitrator. Director Okun advises that we have received the application in her office, but we are still waiting for all of the required References.

Carl Wexel has been loaned to BER, by the Office of State Employer, for three months assuming the duties of Anne Warner, and, also, to ensure timely issuance of Commission decisions.

James Spalding confirmed the dates of the 2016 Commission meetings except the months of March and April and these dates will be confirmed at the December, 2015 Commission meeting.

The Dashboard results were reviewed. Congratulations to all staff for a job well done.

Back to Basics – The training programs have been very successful. The last presentation was at the Michigan Negotiator’s Association conference. Since this presentation, James Spalding has received two additional requests for the presentation. Also, we are starting to plan a joint program with the NLRB, Region 7, perhaps, to benefit the Labor Management Association.

Holiday Luncheon – The holiday luncheon will be held on December 8, 2015, following the next Commission Meeting. Sidney McBride is actively seeking a location for the luncheon.

### **DECISIONAL AGENDA**

Faust Public Library – and – Michigan AFSCME Council 25, AFL-CIO, Case No. R09 D-053. The matter was remanded from the Court of Appeals. A Motion for Adoption of the Order on Remand was made by Commissioner LaBrant and seconded by Commissioner Yaw. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

36<sup>TH</sup> District Court – and – AFSCME Council 25 and its Affiliated Local 914, Case No. C13 I-163. The Commission has received a Motion for a waiver of the 50 page Exception Limit and Extension of Time, if denied. Commissioner LaBrant made a Motion to consent to the request for the Exceptions to be no longer than 70 pages and Commissioner Yaw seconded. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

## **NEW BUSINESS**

Department of Treasury Emergency Manager/Deficit Elimination Plan Information was reviewed and discussed.

Act 312/Fact Finding Template – Mediators Thomas Kreis and James Spalding are working on the new template which will provide consistency and will assist in summarizing decisions. A time deadline has not yet been set for when the template will be completed.

State of Michigan Library – It was noted that Bernadette Bartlett from the SOM Library is continuing to digitize MERC decisions and to place them on the Library's platform (available via a link on the MERC website), and she and others at the Library will continue this project. Commissioner LaBrant made a Motion to present the Library with a Resolution thanking them for all of their hard work. Commissioner Yaw seconded the Motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed. It was also requested that an invitation be extended to the Library staff to attend an upcoming MERC meeting at which the Commission may present the Resolution to them.

## **OLD BUSINESS**

Annual Report – James Spalding was complimented on a job well done along with all of the staff who assisted in the preparation of the 2014-15 Annual Report. A Motion was made by Commissioner Yaw to adopt the Annual Report as written and have it placed on the MERC website. Commissioner LaBrant supported the Motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

Ben Wolkinson – Director Okun received a letter from Arbitrator Wolkinson stating he believed the Commission was being unduly harsh in their requirement to attend the Arbitration Training that was held in March as he was out of the country. As a result of Mr. Wolkinson's failure to attend and failure to request a waiver for extraordinary circumstances, he was removed from the Act 312 panel for one (1) year, as were other panel members who did not attend and did not request a waiver for extraordinary circumstances. A Motion was made by Commissioner LaBrant to deny the request and Commissioner Yaw seconded the Motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. Motion carried that Mr. Wolkinson will remain inactive for one (1) year.

**PUBLIC COMMENT** – None

## **ADJOURNMENT**

There being no further business before the Commission at this time, Commissioner LaBrant moved that the meeting be adjourned at 11:00 a.m. and seconded by Commissioner Yaw. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; and Natalie P. Yaw, Aye. The motion passed.