

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

APPROVED MINUTES
REGULAR MEETING OF NOVEMBER 12, 2014
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, 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; Sidney McBride, Mediator; Ann Warner, Administrative Law Specialist; Denise Hinneburg, Election Officer; Tene Logan, Employee Engagement Specialist; Ashley Olszewski, Paralegal; Carl Wexel, Law Clerk and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney Michael Shoudy, Michigan Education Association; Attorney John McGlinchey, City of Lowell; Attorney Ryan Nicholson, Thrun Law Firm; Mark Howe, City of Lowell and Derk Wilcox, Mackinac Center Legal Foundation.

The Commission moved to amend the proposed agenda of the regular MERC meeting of November 12, 2014. The draft decision in the **City of Lowell -and- Int'l Brotherhood of Electrical Workers (IBEW), Local Union 876**, Case No. C13 C-050, 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 the closed session meeting of October 7, 2014 as proposed. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

The Commission acknowledged the recent passing of Roy L. Roulhac, former Administrative Law Judge for the Michigan Employment Relations Commission and the Michigan Administrative Hearings System and of Attorney Michael K. Lee of Lee and Correll Law Offices.

DIRECTOR'S REPORT

The Act 312 and Fact Finding Reports were reviewed and discussed. Updates were reported by the Director. There are 13 Act 312 cases and 25 Fact Finding cases listed on the report. The Director will contact the assigned mediator regarding the status of the City of Detroit cases and will report at the December MERC meeting, if not before.

The Administrative Law Judge Reports were reviewed and discussed.

The Event Report was reviewed.

The Representation and Election Reports were reviewed and discussed. Updates were reported by the Director. The Faust Public Library case is on appeal before the Michigan Court of Appeals, and Objections to the Election were filed in Three Rivers Community Schools, Case No. R14 G-048. There are 61 active cases currently listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed. Mediation Supervisor Jim Spalding reported that there has been a 52% increase in grievance mediation activities from 2013.

The Mediation Activities Trends Report was reviewed by Jim Spalding. He reported that 92% of grievance cases have been settled in mediation.

There were no work stoppages to report.

The Appellate Report was reviewed. There are 18 MERC cases currently pending before the Michigan Court of Appeals. There is currently one MERC case pending before the Michigan Supreme Court.

ADMINISTRATIVE AGENDA

There were no significant updates on the litigation cases. Director Okun reported that a letter has been drafted to send to Mr. Morales by the Attorney General's Office as directed by the Commission.

Director Okun announced the recent enactment of 2014 PA 322, which amends PERA Section 15b to exempt Act 312 eligible groups from the restrictions of 2011 PA 54. The law was given immediate effect.

An update was reported by Jim Spalding on the MERC Act 312 /Fact Finder Constituent Training scheduled on March 26-27, 2015 at the Schoolcraft College VisTa Tech Center in Livonia. The program for the training will be shared with the Commissioners at the December MERC meeting.

Jim Spalding provided an update on the Back to Basics training seminars. Jim is assisting Upper Peninsula mediator Ed Eppert with a basics training seminar to be scheduled in the spring 2015 for the Ishpeming area and the Houghton area in February 2015. The MEA Conference at Cobo Hall scheduled for 2015 in Detroit was also suggested as a venue for a Back to Basics presentation.

Employee Engagement Specialist Tene Logan has been assigned the task of gathering information on how to set up the webinar for training of panel members in MERC Grievance Arbitration and Grievance Mediation services and on the MERC Rule amendments. Sidney McBride will assist.

Director Okun reported that Carl Wexel will assume the duties of the Freedom to Work Specialist. She plans to communicate with LARA Deputy Director Stephanie Comai regarding the assumption of duties related to the FTW Specialist. Employee Engagement Specialist Tene Logan was welcomed by the Commission.

The next regular MERC meeting is scheduled for Tuesday, December 9, 2014 at 10:00 a.m., in the Commission's offices at 3026 W. Grand Boulevard, Suite 2-750, Detroit, Michigan. The holiday luncheon is scheduled for December 9, 2014 at Mario's Restaurant in Detroit.

The tentative dates of the 2016 MERC meeting schedule was reviewed by the Commission. The date of the March 10, 2015 MERC meeting has been changed to March 24, 2015 and the July 14, 2015 MERC meeting has been changed to July 22, 2015 at the request of the Commission. The revised 2016 MERC meeting schedule will be confirmed at the December 9 MERC meeting.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***AFSCME Council 25 Local 2394 -and- Neil Sweat***, Case No. CU10 I-039.
2. ***West Iron County Public Schools -and- West Iron County Educational Support Personnel Assn***, Case No. C12 F-115.
3. ***Port Huron Area School District -and- Port Huron Education Association***, Case No. C10 J-255.
4. ***City of Southfield -and- SPOA -and- SCOA -and- POAM (Pub Safety Techs Supr) -and- POAM (Pub Safety Tech)***, Case Nos. C11 L-220, C11 L-223, C11 L-224 & C11 L-225.

5. ***Schoolcraft County and Schoolcraft County Sheriff -and- Schoolcraft County Deputy Sheriff's Assn***, Case No. C12 L-234.
6. ***Detroit Federation of Teachers -and- Dennis Cotton***, Case No. CU14 E-029.

NEW BUSINESS

The Department of Treasury Emergency Manager/DEP Information and the Deficit School District list were reviewed. There were no significant changes to report. There are 52 school districts that remain under a Deficit Elimination Plan.

An update on the October 2014 Dashboard Project was reported by Paralegal Ashley Olszewski. It was reported that the Dashboard Project for the month of October is above target in all areas. Staff was recognized for their hard and excellent work.

OLD BUSINESS

It was moved by Commissioner LaBrant and seconded by Commissioner Yaw to adopt the 2013-14 Annual Report as presented. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed. The Commission recognized Jim Spalding and staff for their efforts on the 2013-14 Annual Report project.

Sidney McBride reported that both sets of rules are expected to be finalized by the end of the calendar year.

Director Okun reported that a letter to Mr. Moralez has been drafted for mailing by the Attorney General's office. She will request a copy of the letter and that a copy of the letter be sent to Acting LARA Director Mike Zimmer.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner LaBrant moved and Commissioner Yaw seconded that the meeting be adjourned at 10:58 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

