

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

APPROVED MINUTES  
REGULAR MEETING OF OCTOBER 7, 2014  
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, 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; James Spalding, Mediation Supervisor; Micki Czerniak and Sidney McBride, Mediators; Ann Warner and Lisa Lane, Administrative Law Specialists; Ashley Olszewski, Paralegal; Carl Wexel, Law Clerk and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney Bruce A. Campbell, Wayne County; Attorney Michael Shoudy, MEA; Attorney Tim Gardner, Thrun Law Firm; Attorney Patrick Wright, Mackinac Center Legal Foundation and Dennis Raterink, Attorney General's Office.

The Commission moved to amend the proposed agenda of the regular MERC meeting of October 7, 2014 to move up the Closed Session to Item III. 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 September 9, 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.

### **Pending Litigation (closed session)**

The Commission called for a closed session at 10:05 a.m. Updates were provided by Dennis Raterink, Assistant Attorney General, regarding pending litigation cases involving the Commission including *Michigan State AFL-CIO, et al v Callaghan et al*, Case No. 13-cv-10557 and *UAW, et al v Nino Green, et al*, Case No. 314781.

The Commission moved to return to Open Session at 10:35 a.m. An update was provided by Dennis Raterink, Assistant Attorney General, regarding guidance on

the Moralez matter. He indicated that there is no basis for criminal charges. He recommended that the Commission submit a written request to the Attorney General's office regarding the action to be taken by the Attorney General. Director Okun was directed by the Commission to request the Attorney General's Office contact this individual by letter requesting that he cease from corresponding with the Commission regarding the numerous filings on a matter that concluded several years previously.

## **DIRECTOR'S REPORT**

The Act 312 and Fact Finding Reports were reviewed and discussed. Updates were reported by the Director. There are 15 Act 312 cases and 23 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. Updates were reported by the Director on several cases, including: University of Michigan, Case No. R11 D-034; Three Rivers Community Schools, Case No. R14 G-048; City of Southfield, R14 B-009 and Ferris State University, Case No. UC12 E-012. The Faust Public Library case is on appeal before the Michigan Court of Appeals. 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 he is in the process of streamlining mediation cases and developing a more accurate report. He is requesting input from the Mediation staff and adjustments are being made for more consistent and accurate numbers.

The Mediation Activities Trends Report was reviewed by Jim Spalding. He reported that 84% of grievance mediation cases have been resolved.

There were no work stoppages to report.

The Appellate Report was reviewed. There are 16 MERC cases currently pending before the Michigan Court of Appeals. There is currently one MERC case pending before the Michigan Supreme Court.

## **ADMINISTRATIVE AGENDA**

Updates were reported by the Director on the significant cases report. Mediator Micki Czerniak provided an update on City of Detroit cases.

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. A draft of the registration announcement has been prepared, and notification has been provided to the arbitrators/fact finders and constituents. The logistics regarding registration issues have been discussed with Mary Bedikian, the MSU sponsor for the conference. Jim Spalding and Maria Greenough plan to visit the conference site to inquire about the menu options that are within the budget constraints.

Positive evaluations have been received on the MERC Back to Basics training seminar. Jim Spalding is assisting Upper Peninsula mediator Ed Eppert with a training seminar to be scheduled for the Ishpeming area. A training seminar is scheduled for the Gaylord area in the spring 2015.

A separate training for panel members on the MERC Rules amendments will be planned following approval of both rule sets. Sidney McBride will follow-up with DTMB regarding the consideration of simultaneous broadcast of training to the west side of the state.

A letter requesting the waiver of session days for the review of the two rule sets has been submitted to JCAR by the Regulatory Affairs Officer for LARA.

The next regular MERC meeting is scheduled for Wednesday, November 12, 2014 at the State of Michigan Library and Historical Center, Lake Superior Room, 720 W. Kalamazoo, Lansing, Michigan.

## **DECISIONAL AGENDA**

The Commission decided the following matters:

1. ***AFSCME Council 25 and its Affiliated Local 1583 -and- Fred Zelanka, Glen Ford, James Yunkman***, Case Nos. CU13 C-011, CU13 C-012 & CU13 C-013.
2. ***Wayne County -and- AFSCME Council 25, AFL-CIO***, Case No. C10 A-024A.
3. ***Pontiac School District -and- Pontiac Education Association***, Case Nos. C11 K-197 & CU12 D-019.
4. ***Watersmeet Township School District -and- Watersmeet Education Support Personnel Association, MEANEA***, Case No. C13 B-020.

The Commission discussed the following matters:

1. ***Taylor School District -and- Taylor Federation of Teachers, AFT Local 1085 -and- Nancy Rhatigan, Rebecca Metz and Angela Steffke***, Case Nos. C13 G-133 & CU13 G-029.
2. ***Garden City Public Schools -and- Garden City Education Association, MEA/NEA***, Case No. C13 K-180.

## **NEW BUSINESS**

The Department of Treasury Emergency Manager/DEP Information and the Deficit School District list were reviewed. There are 60 school districts that remain under a Deficit Elimination Plan.

An update on the September 2014 Dashboard Project was reported by Paralegal Ashley Olszewski. Ashley Olszewski, Lynn Morison, Carl Wexel and others were recognized for their efforts and hard work.

## **OLD BUSINESS**

Jim Spalding reported that the deadline for final submissions for the 2013-14 Annual Report is October 31, 2014. The tentative date for adoption of the Annual Report by the Commission is November 12, 2014.

## **PUBLIC COMMENT**

There was public comment from Attorney Bruce A. Campbell of Wayne County and Attorney Patrick Wright of the Mackinac Center for Public Policy.

## **ADJOURNMENT**

There being no further business before the Commission at this time, Commissioner Yaw moved that the meeting be adjourned at 11:22 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

