

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

APPROVED MINUTES
REGULAR MEETING OF SEPTEMBER 16, 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, 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; Sidney McBride, Mediator; Micki Czerniak, Mediator; Ashley Olszewski, Paralegal; Seth Filthaut, Law Clerk and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney John Willems and Attorney Misbah Shahid, Miller Canfield; Attorney Philip Clark, Thrun Law Firm; Matt Gloster, Daniel Connell, Jacques Belanger, Kal Sabbagh, and Attorney Jamil Akhtar, AFSCME Local 3317; Attorney Michael Shoudy, Michigan Education Association and Attorney Bruce Campell, Wayne County.

The Commission moved to amend the proposed agenda of the regular MERC meeting of September 16, 2015. The Public Employer's Motion to Dismiss Act 312 Arbitration and AFSCME Council 25, Local 3317's Response to Wayne County and Wayne County's Sheriff's Motion to Dismiss Act 312 Arbitration in *Wayne County and the Wayne County Sheriff -and- AFSCME Council 25, Local 3317, Case No. D14 A-0018*, was moved up 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 16, 2015, as proposed. A vote was called. Edward D. Callaghan, Aye; Robert L. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

Wayne County and the Wayne County Sheriff -and- AFSCME Council 25, Local 3317, Case No. D14 A-0018.

Both parties provided oral argument in support of their respective positions. The

Commission Chair noted that MERC rarely grants oral argument, but in this case involving Wayne County, the Commission will allow each party five minutes of oral argument regarding the Employer's Motion to Dismiss. The arguments were considered by the Commission. The Employer's Motion to Dismiss Act 312 Arbitration and the Union's Response were reviewed and considered by the Commission.

Commissioner LaBrant moved and Commissioner Yaw seconded to grant the Employer's Motion to Dismiss Act 312 Arbitration. 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. There are 10 Act 312 cases and 26 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 55 active cases listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

The Mediation Activities Trends Report was reviewed.

There were no work stoppages to report.

The Appellate Report was reviewed.

ADMINISTRATIVE AGENDA

Updates were reported by the Director on the cases set forth on the significant cases report. The assigned mediators continue to move forward in an effort to bring to a conclusion the City of Detroit/AFSCME cases.

Congratulations were extended to Tracy Marr who replaced Milli Kennedy as the Mediation Secretary for the Lansing office.

Karen Phillippi and Annie Fenton of the Michigan Office of New Americans were welcomed in absentia. They will share office space within the Detroit BER/MERC office.

A replacement is being considered by Director Okun for the part-time position vacated by Tracy Marr.

The August 2015 Dashboard Project was reviewed.

It was confirmed that the next regular MERC meeting is scheduled for Tuesday, October 13, 2015, 10:00 a.m., in the Commission's offices at 3026 W. Grand Boulevard, Suite 2-750, Detroit, Michigan.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***University of Michigan -and- University of Michigan Skilled Trades Union -and- AFSCME Council 25, Local 1583***, Case No. UC13 K-015.
2. ***Wayne State University -and- International Union, UAW Region 1***, Case No. C15 C-037.
3. ***Saginaw Education Assn -and- MEA -and- Kathy Eady-Miskiewicz -and- Matt Knapp -and- Jason LaPorte -and- Susan Romska***, Case Nos. CU13 I-054 thru CU13 I-061.

NEW BUSINESS

Director Okun is scheduled to meet with MAHS ALJ David Peltz on Friday, September 18 to discuss the significant differences between the Rules of the Michigan Employment Relations Commission and the MAHS Rules that pertain to MERC. Later, a meeting with MAHS personnel, along with someone from the AG's office and the Office of Regulatory Reform will be held.

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

The meeting with Commission Chair Callaghan regarding the 2014-15 Annual Report has been rescheduled to Tuesday, October 6, 2015. The goal is to have the 2015-16 Annual Report adopted by the Commission at the November 10 MERC Meeting. The addition of a box to the carousel on BER/MERC's website to access annual reports was suggested.

OLD BUSINESS

The moratorium on applications to the grievance arbitration panel was revisited. Commission Chair Callaghan expressed concern that the moratorium would preclude persons who have applied. Posting a notice on the website alerting applicants to contact the Director before applying was suggested. Commissioner

Yaw stated that we do not want to quash any attempts to apply. Commissioner LaBrant is opposed to the moratorium and stated that any qualified person should be able to apply. He, however, agreed to the compromise of posting a notice requesting applicants to contact the Bureau Director in advance before applying.

Jim Spalding and Tom Kreis are presenting a Back to Basics training seminar today, September 16, 2015 at the Alpine Lodge in Gaylord, Michigan. Jim Spalding and Sidney McBride are endeavoring to take the program further with labor and management; both individuals, along with the other MERC Staff were commended for their efforts. The latest rendition of the Back to Basic slides will be sent to the commissioners.

There was discussion regarding marketing the Back to Basics program to community colleges. There may be interest in pilot program in some of the law stress. Jim and Sidney have encouraged the mediators to stress the availability of Back to Basic services. The inclusion of the reference to the Back to Basics program in the Annual Report was suggested.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Yaw moved that the meeting be adjourned at 10:53 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.