

**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

In the Matter of:

CHIPPEWA COUNTY,
Public Employer-Respondent in Case No. C04 F-145,

-and-

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES COUNCIL 25, LOCAL 946,
Labor Organization-Charging Party in Case No. C04 F-145,
Incumbent Union in Case No. R04 D-058,

-and-

SUSAN SHUNK,
An Individual-Petitioner in Case No. R04 D-058.

APPEARANCES:

Cohl, Stoker, Toskey & McGlinchey, P.C., by John R. McGlinchey, Esq., for the Public Employer

Miller Cohen, P. C., by Richard G. Mack, Jr., Esq., for the Labor Organization

**DECISION AND ORDER DENYING
MOTION FOR STAY OF ELECTION**

On December 27, 2005, the Commission issued its Decision and Order in the above-entitled matter, dismissing the unfair labor practice charge and ordering that the petition for a decertification election be processed in accordance with our usual procedures. On January 19, 2006, Charging Party filed a motion for reconsideration of our Decision and Order but at that time did not request a stay of the election. We denied the motion for reconsideration on February 15, 2006; later the same day, Charging Party filed a motion to stay the election until the Commission made a decision on the motion for reconsideration. Since we had already ruled on the motion for reconsideration, the matter was moot.

On March 1, 2006, Charging Party filed an Amended and Emergency Motion for Stay, asserting that AFSCME intended to seek an appeal with the Michigan Court of Appeals and requesting that the election be stayed by the Commission pending action of the Court.

We have previously denied Charging Party's motion for reconsideration of our Decision and Direction of Election and find no additional circumstances that would warrant a stay of the election in this matter. The Amended and Emergency Motion for Stay is therefore denied. In accordance with Rule 146(5) of the Commission's General Rules, 2002 AACS R 423.146(5), the election in this matter shall proceed unless and until a stay is issued by the Court of Appeals.

ORDER

The Amended and Emergency Motion for Stay is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Nora Lynch, Commission Chairman

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____