

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

In the Matter of:

UTILITY WORKERS UNION  
OF AMERICA, LOCAL 482,  
Labor Organization - Respondent,

Case No. CU07 B-010

-and-

CITY OF BAY CITY,  
Public Employer - Charging Party.

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**APPEARANCES:**

William P. Borushko for Charging Party

**DECISION AND ORDER**

On April 25, 2007, Administrative Law Judge Doyle O'Connor issued his Decision and Recommended Order in the above matter finding that Respondent has not engaged in and was not engaging in certain unfair labor practices, and recommending that the Commission dismiss the charges and complaint as being without merit.

The Decision and Recommended Order of the Administrative Law Judge was served on the interested parties in accord with Section 16 of the Act.

The parties have had an opportunity to review the Decision and Recommended Order for a period of at least 20 days from the date of service and no exceptions have been filed by any of the parties.

**ORDER**

Pursuant to Section 16 of the Act, the Commission adopts the recommended order of the Administrative Law Judge as its final order.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Christine A. Derdarian, Commission Chair

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Nino E. Green, Commission Member

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Eugene Lumberg, Commission Member

Dated: \_\_\_\_\_

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

In the Matter of:

UTILITY WORKERS UNION  
OF AMERICA, LOCAL 482,  
Respondent-Labor Organization,

Case No. CU07 B-010

-and-

CITY OF BAY CITY,  
Charging Party-Public Employer.

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APPEARANCES:

William P. Borushko for Charging Party

**DECISION AND RECOMMENDED ON ORDER TO SHOW CAUSE WHY THE  
MATTER SHOULD NOT BE DISMISSED FOR FAILURE TO STATE A CLAIM**

Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, this case was assigned for hearing to Doyle O'Connor, Administrative Law Judge (ALJ), acting for the Michigan Employment Relations Commission.

The Unfair Labor Practice Charge and Proceedings:

On February 27, 2007, a charge was filed in this matter asserting that the Respondent Union electronically contacted elected public officials, who are members of the Bay City Council, asking that they contact the Union regarding matters related to contract negotiations. The order to show cause noted that such an allegation fails to state a claim, as such conduct would appear, based on the minimal factual allegation, to be protected concerted activity as well as a Constitutionally protected effort to petition a government entity for redress of grievances, and therefore beyond the authority of this agency to prohibit. The Charge additionally asserts, in conclusory terms, that the Union, through that attempted contact, "has refused to bargain in good faith with the City bargaining team . . . and is attempting to restrain or coerce the City in the selection of its representatives for the purposes of collective bargaining." Such a bare conclusory allegation fails to meet the requirement of Commission Rule R 423.151(2)(c). Pursuant to R 423.165(2)(d), the Charging Party was ordered to show cause why the charge should not be dismissed for failure to state a claim upon which relief can be granted, and was given twenty-one days in which to respond.

No response was timely filed by the Charging Party.

Discussion and Conclusions of Law:

The failure of a Charging Party to respond to an order to show cause may in itself warrant dismissal of a facially deficient charge. The charge as filed fails to state a claim and Charging Party has declined the opportunity to correct that defect. Under the General Rules of the Michigan Employment Relations Commission, R 423.165, the charge is therefore subject to dismissal.

RECOMMENDED ORDER

The charge in this matter is dismissed.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Doyle O'Connor  
Administrative Law Judge

Dated: \_\_\_\_\_