

MERC CORNER

By Ruthanne Okun, Bureau Director

MERC Solicits “True Neutrals” or Applicants with Labor Backgrounds for its Panels of Neutrals

In a *MERC Corner* that was prepared and distributed in 2006, we explained that the Michigan Employment Relations Commission was seeking applications from persons interested in and qualified for membership on one or more of its panels of neutral decision makers – Act 312, Fact Finding, and Grievance/Arbitration. We noted the fact that an individual currently represents or has previously represented labor or management and would be considered an “advocate” per the definition in MERC Rules should not dissuade a qualified person from applying. The article explained that if the name of someone who is an “advocate” appears on a list of prospective panel members, either party has the right to object (without providing a reason) to that individual, and a replacement name will be provided. Finally, we concluded by stating that many persons who are labor relations attorneys or who have otherwise advocated at one time for either management or labor have had successful careers - or at least side careers - as MERC panel members.

In response to our plea, we were inundated with applications from many very qualified persons. Most of them were advocates, or had advocated at one time, for management. As a result, we have received complaints from our constituents that our panel roster is heavily weighted in favor of management personnel. In spite of our yeoman efforts over the past few years to solicit applications from qualified persons with labor backgrounds, thus far we have been unable to achieve a balance on our panels. Nor have we been able to attract a substantial number of persons who are truly members of the neutral community to serve on our panels of arbitrators.

For this reason, we are using this publication to make it known that MERC continues to actively solicit applications for its panels of neutrals from persons with labor backgrounds or those who indeed meet the definition of a true neutral. If you meet this criteria, please contact Bureau Director Ruthanne Okun, at okunr@michigan.gov or (313) 456-3519. At this time, the rate paid to our neutrals is \$650 per day. Although this rate is somewhat low relative to the rate charged by most arbitrators in other arenas, we hope to seek a rate increase once the current budget crisis is behind us.

MERC Continues to Seek Support for its Proposed Open Meetings Act Amendment

As explained in a previously-issued *MERC Corner*, under Michigan’s Open Meetings Act (OMA), MCL 15.261, et seq., all MERC case-related action must be taken at an open meeting. Because the Commission is considered to be a “public body” under the OMA, it is subject to the law’s requirement that its business must be conducted at an open meeting that has been properly noticed. Thus, when two members of the three-member Commission want to discuss the merits of a pending case, their discussions must take place in an open meeting convened in accordance with OMA requirements.

To correct an apparent oversight by the original drafters of the statute, the Commission has proposed an amendment to the OMA to include MERC in the listed agencies that are exempt from that law “when deliberating the merits of a case.” That amendment has received only limited legislative consideration, and it appears that it will not move forward without citizen input and support. We continue to encourage your support of the amendment and welcome any comments you might have concerning it. Again, please submit them to Bureau Director

Ruthanne Okun at okunr@michigan.gov, and we will ensure that your comments are forwarded to our department's legislative affairs office and/or to the legislation's sponsors.

OTHER MERC HAPPENINGS

Personnel changes at the Bureau of Employment Relations

Jim Amar is Appointed Lansing Mediation Supervisor

Jim Amar, a long-time mediator in the Detroit office of the Bureau of Employment Relations, has accepted the position of Division Administrator and Supervisor of the mediation staff in the Bureau's Lansing office. In this capacity, Jim is responsible for the efficient operation of and for managing, planning, and directing mediation functions for that office. At the same time, he handles a case load and mediates collective bargaining and grievance disputes, often of a high profile nature. Jim is completing his active Detroit area cases while he assumes his responsibilities in the Lansing office.

Miles Cameron Moves from USW to Lansing Mediation Staff

Miles Cameron joined the Lansing office of the MERC mediation staff in early July. Many of you are acquainted with Miles from his good and hard work as a representative of the United Steel Workers of America. Miles joined the USW at the age of 18 and since that time, has dedicated himself to working collaboratively to resolve labor issues. Since joining the Union's staff in 1995, his goal has been to assist members to better their employment environment by the amicable resolution of labor disputes. Miles works out of his home office, in Coleman, located in the center of the "mitten" - not far from Clare and Mt. Pleasant.

Bob Strassberg is Promoted to Labor Mediator Position

In January, Robert (Bob) Strassberg, was promoted to the position of Labor Mediator, working out of the Detroit office. For the past 14 years, Bob has worked tirelessly for the Bureau as an Elections Officer, assuming a key role in facilitating some of our Agency's largest elections. Bob came to MERC with both labor and management experience in the labor relations arena. He previously served as a personnel director, a management labor relations representative, and, as a union representative for the Service Employees' International Union, Local 79. Sitting on both sides of the table has given Bob a unique and well-rounded perspective on labor relations and collective bargaining relationships. He is a graduate of Wayne State University.

MSU Library Seeks Old and Current Collective Bargaining Agreements for its Collection

You may not be aware that the Labor and Industrial Relations (LIR) Library at Michigan State University collects and posts many expired and current collective bargaining agreements on its web-site located at <http://www.lib.msu.edu/coll/main/lir/> Where possible, the contracts are linked to related Act 312 awards and Fact Finding recommendations that have also been posted. Michigan State's Head LIR librarian, Laura Leavitt, continues to solicit your former and current labor contracts for posting and for their collection. Please assist to embellish this invaluable resource by sending her an electronic version of any collective bargaining agreements you might

have at Leavitt9@msu.edu. Laura, who is an excellent resource librarian, will gladly assist you in navigating the web site or in locating a needed labor contract or other document.

6/16/2009 2:58 PM