

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

In the Matter of:

TEAMSTERS LOCAL 214,  
Respondent-Labor Organization,

Case No. CU00 H-30

-and-

JEFF CALLOWAY,  
An Individual Charging Party.

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**APPEARANCES:**

Rudell & O'Neill, by Wayne Rudell, Esq., for Respondent

Jeff Calloway, *In Pro Per*

**DECISION AND ORDER**

On January 11, 2001, Administrative Law Judge Nora Lynch issued her 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

Maris Stella Swift, Commission Chair

Harry W. Bishop, Commission Member

C. Barry Ott, Commission Member

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

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Individual Charging Party

APPEARANCES:

Wayne Rudell, Esq., Rudell & O'Neill, for the Labor Organization

Jeff Calloway, In pro per

DECISION AND RECOMMENDED ORDER  
OF  
ADMINISTRATIVE LAW JUDGE

Pursuant to the provisions of Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210. MSA 17.455 (10), this matter came on for hearing at Detroit, Michigan, on December 5, 2000, before Nora Lynch, Administrative Law Judge for the Michigan Employment Relations Commission. The proceedings were based upon an unfair labor practice charge filed on August 14, 2000, by individual Charging Party Jeff Calloway. Based upon the record in this matter, including the transcript of proceedings received on January 3, 2001, the undersigned issues the following recommended order:

Background:

The Charging Party is a member of a bargaining unit of Detroit Public School bus drivers represented by Teamsters Local 214. In the charge filed on August 14, 2000, the Charging Party alleges misrepresentation of the membership due to a reduction in the number of union stewards. On October 16, 2000, attorney for the Respondent filed a Motion to Dismiss, on the grounds that nothing other than an internal union dispute was claimed. In the alternative, the Respondent made a Motion for a Bill of Particulars to enable it to answer the charge. On October 19, 2000, the undersigned issued an Order for Bill of Particulars, requiring that the Charging Party comply with Commission Rule 52(c), indicating the factual basis for the charge as well as the section(s) of PERA alleged to have been violated.

At the hearing held on December 5, 2000, the Respondent moved to dismiss the charge on the basis that the Charging Party not complied with the Order for Bill of Particulars, and the charge as written did not state a cause of action under PERA. Although given the opportunity to respond orally to this motion at hearing, Charging Party failed to do so.

Discussion:

The Commission has indicated that a union's duty of fair representation is limited to actions having an effect on employment; internal union affairs are outside the scope of PERA. *AFSCME Council 25, Local 1918*, 1999 MERC Lab Op 11; *Private Industry Council*, 1993 MERC Lab Op 907; *MESPA (Alma Pub Sch Unit)*, 1981 MERC Lab Op 149, 154-55. On the face of the charge, Charging Party claims "misrepresentation" by Respondent because of the reduced number of union stewards. The number and selection of union stewards is an internal union matter beyond the Commission's jurisdiction. After being given full opportunity for oral argument, the Charging Party has failed to allege a cause of action under PERA; summary dismissal is therefore appropriate. *Smith v Lansing School Dist*, 423 Mich 248 (1987). It is therefore recommended that the Commission grant the Respondent's motion and dismiss the charge.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Nora Lynch  
Administrative Law Judge

DATED: