

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

In the Matter of:

WAYNE COUNTY COMMUNITY COLLEGE,
Public Employer-Respondent,

-and-

PROFESSIONAL AND ADMINISTRATIVE ASSOCIATION, AFL-CIO,
Labor Organization-Charging Party in Case No. C01 A-3,

-and-

GERALD PAYNE,
An Individual Charging Party in Case No. C00 K-197.

APPEARANCES:

Floyd Allen & Associates, by Floyd E. Allen, Esq., and Shaun P. Ayer, Esq., for the Respondent

Law Office of Mark H. Cousens, by Mark H. Cousens, Esq., and Gillian H. Talwar, Esq., for both Charging Parties

DECISION AND ORDER

On June 27, 2003, the Commission issued a Decision and Order in this matter. In that decision, the Commission majority found that Respondent, Wayne County Community College, did not violate its duty to bargain under Section 10(1)(e) of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.210(1)(e), when it discharged Charging Party Gerald Payne. Additionally, the entire Commission found that Respondent's discharge of Payne did not violate Section 10(1)(a) of PERA, MCL 423.210(1)(a), as the evidence did not establish that the discharge was in retaliation for involvement in protected concerted activities. The Commission majority dismissed both charges in their entirety.

Charging Parties filed a timely motion for reconsideration of our Decision and Order on July 16, 2003 and submitted a supplementary brief in support of the motion. Respondent did not file a response to the motion. Charging Parties assert that the Commission majority failed to provide an adequate rationale for its decision, incorrectly applied existing precedent, and erred by finding that Respondent did not abandon the just

cause discharge standard contained in the parties' expired collective bargaining agreement.

Rule 167 of the Commission's General Rules, 2002 MR R 423.167 governs motions for reconsideration and states in pertinent part:

A motion for reconsideration shall state with particularity the material error claimed. . . . Generally, and without restricting the discretion of the commission, a motion for reconsideration which merely presents the same issues ruled on by the commission, either expressly or by reasonable implication, will not be granted. (Emphasis added)

In the motion for reconsideration, Charging Parties essentially restate the same arguments they presented in their exceptions to the ALJ's Decision and Recommended Order. Those arguments were carefully considered and discussed in our June 27, 2003 Decision and Order. Therefore, Charging Parties have not set forth grounds for reconsideration¹. See *City of Detroit Water and Sewerage Dep't*, 1997 MERC Lab Op 453, in which the Commission denied the charging party's motion for reconsideration where the charging party restated the same arguments he made in his exceptions.

ORDER

The motion for reconsideration is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Maris Stella Swift, Commission Member

Harry W. Bishop, Commission Member

Dated: _____

¹ While we find no basis for reconsideration, we each continue to adhere to our respective opinions as stated in the June 27, 2003 Decision and Order.