

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

In the Matter of:

SAGINAW TOWNSHIP,

Public Employer - Respondent in Case Nos. C02 A-003 & C02 A-010 and
Charging Party in Case No. CU02 E-029,

-and-

POLICE OFFICERS ASSOCIATION OF MICHIGAN,

Labor Organization - Charging Party in Case Nos. C02 A-003 & C02 A-010 and
Respondent in Case No. CU02 E-029.

APPEARANCES:

Masud, Patterson & Schutter, P. C., by David A. Masud, Esq., for Saginaw Township

Frank A. Guido, Esq., for Police Officers Association of Michigan

**DECISION AND ORDER ON
MOTIONS FOR RECONSIDERATION**

On May 3, 2005, we issued our Decision and Order in the above entitled matter finding that Saginaw Township (Employer), Respondent in Case Nos. C02 A-003 and C02 A-010, violated Section 10(1)(a) of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210(1)(a). We affirmed the ALJ's finding that statements made by Stephen Renico, the Employer's Chief of Police, to representatives of Police Officers Association of Michigan (POAM) on September 7, December 12, and December 18, 2001, and a memo sent by Chief Renico to POAM's members on January 4, 2002, interfered with the exercise of rights guaranteed under Section 9 of PERA. We also found that POAM, Respondent in Case No. CU02 E-029, violated its duty to bargain by making clandestine tape recordings of grievance meetings as alleged in the charge.

On May 20, 2005, POAM filed a motion for reconsideration and a brief in support. The Employer filed a motion for reconsideration and a brief in support on May 23, 2005, a response to POAM's motion for reconsideration on May 31, 2005, and a request for oral argument on June 1, 2005. After reviewing the motions and briefs filed by the parties, we find that oral argument would not materially assist us in deciding this case. Therefore, the Employer's request for oral argument is denied.

In its motion for reconsideration, Saginaw Township claims that our May 3, 2005 decision fails to address the fact that grievance meetings are a continuation of the

collective bargaining process and are entitled to the protections afforded to collective bargaining. From this premise, it reasons that such discussions are inadmissible as evidence. Our May 3, 2005 decision expressly acknowledged that grievance meetings are an integral part of the collective bargaining process. However, we held that the rules of evidence do not require the exclusion of statements made during settlement discussions when such statements are offered to demonstrate unlawful threats, coercion, or restraint. The contents of contract settlement discussions are routinely considered in determining whether parties have bargained in good faith, and there is no privilege to engage in illegal activity during such discussions or in grievance settlement discussions. Because Saginaw Township's motion for reconsideration presents the same issues that we ruled upon in our May 3, 2005 decision, the motion is denied. Rule 167 of the Commission's General Rules, 2002 AACRS, R 423.167. See also *Wayne Co Cmty College*, 16 MPER 50 (2003); *Essexville-Hampton Pub Schs*, 2002 MERC Lab Op 209.

POAM urges us to find that the discussions at issue were not a part of any grievance meeting. The ALJ found that they were. No exceptions were filed to the findings of the ALJ in this regard. Commission Rule 423.176(5) states: "An exception to a ruling, finding, conclusion, or recommendation that is not specifically urged is waived." POAM's motion for reconsideration is denied.

ORDER

The motions for reconsideration are denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Nora Lynch, Commission Chairman

Nino E. Green, Commission Member

Dated: _____