

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
EMPLOYMENT RELATIONS COMMISSION

APPROVED MINUTES
REGULAR MEETING OF FEBRUARY 11, 2014
DETROIT, MICHIGAN

The meeting of the Employment Relations Commission was called to order at 10:00 a.m., by the Commission Chair, Edward D. Callaghan, at MERC's Detroit Office, 3026 W. Grand Boulevard, Suite 2-750, Detroit, Michigan.

Those in attendance: Edward D. Callaghan, Commission Chair; Commissioner Robert S. LaBrant and Commissioner Natalie P. Yaw; Ruthanne Okun, Bureau Director; Lynn Morison, Staff Attorney; Sidney McBride and Micki Czerniak, Mediators; Travis Calderwood, Administrative Law Specialist; Denise Hinneburg and Verna Miller, Departmental Specialists; Michelle Easter, Law Clerk and Nancy Pitt, Executive Secretary.

Public in attendance: John T. Barr and Kevin Loftis, POAM; Bruce A. Campbell, Attorney, Wayne County and Dennis Raterink, Attorney General's Office.

The agenda of the regular MERC meeting of February 11, 2014 was amended as follows: (1) The Response from Fact Finder Roger Cheek in the Menominee Area Public Schools Fact Finding case added to Old Business as Item #2; (2) The Closed Session was moved up to Item V to accommodate the representative from the Attorney General's Office. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

MINUTES

It was moved by Commissioner LaBrant and seconded by Commissioner Natalie Yaw to adopt the minutes of the regular meeting of January 14, 2014 as proposed. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

DIRECTOR'S REPORT

The Act 312 and Fact Finding Reports were reviewed and discussed. Updates were reported by the Director. Commission Chair Callaghan noted that there were 10 Fact Finding Reports issued; 3 Fact Finding cases settled by the parties and 2 Fact Finding cases withdrawn. There are 13 Act 312 cases and 45 Fact Finding cases currently listed on the report.

The Administrative Law Judge Reports were reviewed and discussed.

The Event Report was reviewed as well as the Representation and Election Reports were reviewed and discussed. At the Director's suggestion, Election Officer Denise Hinneburg was present to explain and answer questions relative to the Representation and Election Reports. There are 53 new and active cases currently listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed by Director Okun in the absence of Mediation Supervisor Spalding.

There were no work stoppages to report.

The Appellate Report was reviewed. There are 10 MERC cases currently pending before the Michigan Court of Appeals and 1 case pending before the Michigan Supreme Court.

ADMINISTRATIVE AGENDA

Director Okun reiterated that the interviews have taken place and the ALJ candidates are being considered for the MERC ALJ hiring. The Commissioners will be apprised of any new updates by Director Okun.

The law clerks and externs were recognized by Director Okun: Carl Wexel and Michelle Easter, Law Clerks; Michael Long and Molly Sykes, Externs.

Updates were reported by the Director on the significant case report.

The final draft of the FY 2013 Annual Report was distributed and reviewed. Commission Chair Callaghan extended thanks to Sidney McBride, James Spalding and Verna Miller for their efforts on the Annual Report. Once approved by the Commission, the Annual Report will be posted on the MERC website as well and, hopefully, on the ALRA website. The target date for posting is February 28, 2014. It was moved by Commissioner LaBrant to adopt the FY 2013 Annual Report as presented. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

The Director discussed the Bureau's Plan to Achieve 2014 Executive Goals at LARA. The Executive Goals are: Three RPM projects; encouraging employee engagement; and free flow of communication. There was discussion regarding the MERC Act 312/Fact Finder/Constituent Training Conference tentatively scheduled for the fall of 2014. Director Okun suggested that MERC partner with Wayne State University to conduct a *Back to Basics* training program for school districts and, possibly, other Human Resource personnel who do not have a background in labor relations.

The next MERC meeting is scheduled for March 11, 2014 at 10:00 a.m., State of Michigan Library & Historical Center, Lake Superior Room, 720 W. Kalamazoo, Lansing, Michigan.

Pending Litigation (closed session)

The Commission called for a closed session at 10:50 a.m. Updates were provided by Dennis Raterink, Assistant Attorney General regarding pending litigation cases involving the Commission: *City of Detroit Bankruptcy cases; U.S. v Detroit Water & Sewage Dept.; Alex Toth, et al v Callaghan, et al*, Case No. 12-cv-11700, *Michigan State AFL-CIO, et al v Callaghan, et al*, Case No. 13-cv-10557 and *UAW, et al v Nino Green, et al*, Case No. 314781.

The Commission moved to return to Open Session at 11:46 a.m.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***Washtenaw County -and- AFSCME Council 25, Local 3052***, Case Nos. CU09 J-029 & UC06 J-032.
2. ***Delhi Charter Township -and- Delhi Township Fire Fighters, IAFF, Local 5359***, Case No. UC11 J-018.
3. ***American Federation of State, County and Municipal Employees, Council 25, Local 1585 -and- James Yunkman -and- Glen Ford -and- Fred Zelanka***, Case Nos. CU10 G-032, CU10 G-033, CU10 G-034.
4. ***Service Employees International Union (SEIU), Local 517M -and- Paula J. Diem***, Case No. CU12 I-041.
5. ***Port Huron Area School District -and- Port Huron Education Association***, Case No. C10 J-255.

The Commission discussed the following matters:

1. ***Schoolcraft County and Schoolcraft County Sheriff -and- Schoolcraft County Deputy Sheriff's Assn***, Case No. C12 L-234.
2. ***Pontiac Education Ass'n, MEA/NEA -and- Pontiac School District***, Case No. CU12 J-047.

NEW BUSINESS

The Department of Treasury Emergency Manager/DEP Information and the Deficit District list were reviewed and discussed.

The January 2014 Dashboard Project was reviewed. Recognition was provided to Bureau staff for their good and hard work in achieving the targets set forth in the Dashboard.

OLD BUSINESS

An update of the Advocates Advisory Committee recommendations and the Panel Member Advisory Committee recommendations was provided by Mediator Sidney McBride. Final approval and implementation of the rules is anticipated by the end of the year. The Public Hearing for the proposed changes to MERC's General Rules has been scheduled for April 8, 2014 at 1:00 p.m., in the Commission's offices at 3026 W. Grand Boulevard, Hearing Room 9, Detroit, Michigan.

Menominee Area Public Schools -and- Michigan Education Association, Case No. L13 A-0018 – A response has been received from Fact Finder Roger Cheek. The matter is tabled to the March 11, MERC meeting pending review by the Commission.

PUBLIC COMMENT

There were comments from Bruce A. Campbell, Attorney, Wayne County regarding the 13th check case involving Wayne County and AFSCME.

ADJOURNMENT

There being no further business before the Commission at this time, Commission Chair Callaghan moved that the meeting be adjourned at 12:10 p.m.