

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

APPROVED MINUTES
REGULAR MEETING OF JANUARY 13, 2015
LANSING, MICHIGAN

The meeting of the Employment Relations Commission was called to order at 10:01 a.m., by the Commission Chair, Edward D. Callaghan, at the State of Michigan Library and Historical Center, Lake Superior Room, 720 W. Kalamazoo, Lansing, 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; James Spalding, Mediation Supervisor; Micki Czerniak, Mediator; Ann Warner, Administrative Law Specialist; Ashley Olszewski, Paralegal and Nancy Pitt, Executive Secretary.

Public in attendance: Attorney John McGlinchey, Attorney Sarah L. Harwood, Ralph Brecken & Jeff Alloft, representing the City of Lowell; Attorney Michael Shoudy, Michigan Education Association and Attorney Ryan Nicholson, Thrun Law Firm.

The Commission moved to amend the proposed agenda of the regular MERC meeting of January 13, 2015. The draft decision in ***Taylor School District -and- Taylor Federation of Teachers, AFT Local 1085 -and- Nancy Rhatigan, Rebecca Metz and Angela Steffke***, Case Nos. C13 G-133 & CU13 G-029 was removed from the Decisional Agenda. The draft decision in ***Three Rivers Community Schools -and- Michigan Education Association -and- Theresa Sussdorf***, Case No. R14 G-048 was added to the Decisional Agenda. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

MINUTES

It was moved by Commissioner Yaw and seconded by Commissioner LaBrant to adopt the minutes of the regular meeting of December 9, 2014 as proposed. A vote was called on the motion. 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. There are 13 Act 312 cases and 33 Fact Finding

cases listed on the report. The meaning of the term “suspended” was provided by Director Okun in response to Commission Chair Callaghan’s inquiry. It is listed as an Event Type that refers to fact finding cases that have been placed on hold while parties continue to bargain and also references the City of Detroit post bankruptcy cases that are being held in abeyance.

The Administrative Law Judge Reports were reviewed and discussed.

The Event Report was reviewed.

The Representation and Election Reports were reviewed and discussed. There are 48 active cases currently listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed.

The Mediation Activities Trends Report was reviewed by Jim Spalding. He reported that there has been an increase in grievance mediation activity from November 2013. He stated that the availability of the grievance mediation service provided by MERC will continue to be stressed to the parties.

There were no work stoppages to report.

The Appellate Report was reviewed. There are 18 MERC cases currently pending before the Michigan Court of Appeals. There is currently one MERC case pending before the Michigan Supreme Court.

ADMINISTRATIVE AGENDA

Updates were reported by the Director on the cases set forth on the significant cases report. An opinion from the Attorney General is anticipated regarding how to proceed with the cases being held in abeyance involving the City of Detroit post bankruptcy.

Law Clerk Carl Wexel has accepted a position with the Office of the State Employer. The Freedom to Work duties that were assigned to Carl have been reassigned to Administrative Specialist Ann Warner and Paralegal Ashley Olszewski.

Jim Spalding reported that the preparations have been finalized for the MERC Act 312/Fact Finder Constituent Training scheduled on March 26-27, 2015 at the Schoolcraft College VisTa Tech Center in Livonia. The agenda and registration form for the training seminar has been posted on MERC’s website.

Jim Spalding provided an update on the Back to Basics training seminars. The seminars scheduled for the MEA Conference at Cobo Hall on February 12, 2015 and in the Marquette area on May 1, 2015 have been confirmed. The Western

UP, Kalamazoo and Grand Rapids areas are also being considered as areas of interest for a Back to Basics training seminar. Director Okun noted that MERC has been approved to do internal training offsite.

The MERC Grievance Arbitration/Grievance Mediation Services and Back to Basics training will be delayed until the end of summer following the completion of the Back to Basics training seminars.

Staff Attorney Lynn Morison provided an update on the oral arguments held on January 13, 2015, before the Michigan Supreme Court regarding Freedom to Work and the State of Michigan employees in *UAW v MERC Commissioners, et al.* Staff Attorney Morison attended the oral arguments at the request of the Commission.

The tentative dates and locations of the 2016 MERC meeting schedule were adopted as proposed. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***City of Lowell -and- Int'l Brotherhood of Electrical Workers (IBEW), Local Union 876***, Case No. C13 C-050.
2. ***Garden City Public Schools -and- Garden City Education Association, MEA/NEA***, Case No. C13 K-180.

The Commission discussed the following matters:

1. ***River Rouge School District -and- River Rouge Education Association***, Case No. C09 J-202.
2. ***Three Rivers Community Schools -and- Michigan Education Association -and- Theresa Sussdorf***, Case No. R14 G-048.

NEW BUSINESS

The Department of Treasury Emergency Manager/DEP Information and the Deficit School District list were reviewed. Commissioner Chair Callaghan requested that an up-to-date report be provided at the February MERC meeting.

The December 2014 Dashboard Project was reviewed. The staff was recognized for their hard work and efforts.

The recent House Bill 6074 became 2014 PA 414 regarding university athletes and union audits. A summary of PA 414 was provided by Paralegal Ashley Olszewski. The Audit form is being revised and will be added to MERC's website. Election Officer Denise Hinneburg and Election Secretary Tracy Marr are responsible for uploading and posting the audits on the website. Ashley Olszewski will assist as needed.

OLD BUSINESS

Director Okun reported that she had communicated with the LARA Legislative Affairs Office regarding the Open Meetings Act amendment.

Director Okun reported that she continues to have dialog with the Attorney General's Office regarding the John Moralez matter.

PUBLIC COMMENT

Attorney John McGlinchey of Abbott Nicholson, PLC, had comments regarding the **City of Lowell/IBEW** matter.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner LaBrant moved and Commissioner Yaw seconded that the meeting be adjourned at 10:58 a.m. A vote was called on the motion. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.