

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

APPROVED MINUTES
REGULAR MEETING OF JULY 12, 2016
LANSING, 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 the Library of Michigan, 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; James Spalding, Mediation Supervisor; Sidney McBride, Mediator; Carl Wexel, Administrative Law Specialist and Nancy Pitt, Executive Secretary.

Public in Attendance: Attorney Ryan Nicholson, Thrun Law Firm.

The Commission moved to approve the proposed agenda of the July 12, 2016 regular MERC meeting. 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 Yaw and seconded by Commissioner LaBrant to adopt the minutes of the regular meeting of June 14, 2016 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 provided by the Director. There are 19 Act 312 cases and 15 Fact Finding cases listed on the reports.

The Administrative Law Judge Reports were reviewed and discussed. Updates were provided by the Director. Carl will inquire with the ALJs if he can assist them with the R and UC cases.

The Event Report was reviewed.

The Representation and Election Reports were reviewed and discussed. There are currently 50 active cases listed on the Representation Case Activity Report.

The Mediation Activities Report was reviewed and discussed.

The Mediation Activities Trends Report was reviewed. An update was provided by Mediation Supervisor Jim Spalding.

The Work Stoppage Report was reviewed. The Court of Claims resumed its evidentiary hearing on July 8 as to whether a preliminary injunction should issue against former DFT President Steve Conn and DFT teacher Nicole Conway. We have heard that Michigan Court of Claims Judge Cynthia Stevens is expected to issue a written ruling in the case by the end of July.

The Appellate Report was reviewed. There are 11 MERC cases pending before the Michigan Court of Appeals and 3 cases pending before the Michigan Supreme Court.

ADMINISTRATIVE AGENDA

Updates were provided by the Director on the significant cases report.

The process of revising BER's Rules to administer with House Bill 5387 has begun. The first draft of the revised rules is being prepared. The goal is to have a draft available for approval by the end of summer. The effective date of the House Bill 5387 is September 8.

Sidney McBride provided an update on the City of Detroit/DWSD and other pending cases ("stale case" project). A written report concerning the stale cases project will be provided at the August 9 MERC meeting.

Jim Spalding provided an update on the Back to Basics training seminars. The Forum Room at the Michigan Library and Historical Center has been reserved for the MERC/NLRB joint training program on September 23 from 9:00 a.m. to 12:30 p.m. The presenters are Jim Spalding, Sidney McBride, James Hatchett/FMCS and Thomas Good/NLRB. Flyers are being created for distribution to labor relations personnel and employer/union representatives.

The June 2016 Dashboard results were reviewed. There was discussion regarding the submission of changes that will accurately reflect the Bureau's work, i.e., measuring timelines of 312/fact finding reports and appointment of 312 arbitrator/fact finder. The entries on the scorecard will be revisited at the August meeting. The commissioners were asked for their additions or revisions to the scorecard.

It was confirmed that the next regular meeting is scheduled for August 9, 2016, 10:00 a.m., at MERC's Detroit Office, 3026 W. Grand Boulevard, Suite 2-750, Detroit, Michigan. Commissioner Yaw requested to reschedule the November 15 MERC Meeting in Lansing to November 9 or 10. Jim Spalding will check on the availability of those dates with the Michigan Library and Historical Center.

DECISIONAL AGENDA

The Commission decided the following matters:

1. ***Shiawassee Intermediate School District Education Association, MEA/NEA -and- Shiawassee Regional Education Service District***, Case No. CU15 F-019.
2. ***Macomb County -and- AFSCME Council 25 and its Affiliated Local 893 -and- John P. Greiner***, Case Nos. C13 D-074 & CU13 D-017.
3. ***Van Buren Township -and- Police Officers Labor Council***, Case No. UC15 B-004.

TENTATIVE DECISIONAL AGENDA, August 2016

DRAFTS

1. ***SEIU Healthcare Michigan -and- Connie Fleischer***, Case No. CU15 J-036.
2. ***Ionia County Intermediate Education Association, MEA/NEA -and- Ionia County Intermediate School District***, Case No. CU15 H-024.

NEW BUSINESS

Commission Chair Callaghan met with Bureau staff members on June 28 to discuss the Table of Contents for the 2016 Annual Report. Commission Chair Callaghan requested to have a draft of the Table of Contents available for approval at the August 9 MERC meeting. The Commissioners were encouraged to provide their input and suggestions regarding any revisions to the 2015 Annual Report.

The Department of Treasury Emergency Manager/Deficit Elimination Plan Information were reviewed. There are 40 districts and public school academies that ended FY2015 in a deficit; 18 districts are projected to eliminate their deficit by June 30, 2016.

OLD BUSINESS

Commission Chair Callaghan inquired about the posting of the remaining 2015 and early 2016 MERC decisions on the Library of Michigan web-site. An inquiry will be made by Director Okun. The Commission extended their gratitude to Bernadette Bartlett of the Library of Michigan for her efforts in undertaking this project.

PUBLIC COMMENT

There was no public comment

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Yaw moved that the meeting be adjourned at 10:57 a.m. A vote was called. Edward D. Callaghan, Aye; Robert S. LaBrant, Aye; Natalie P. Yaw, Aye. The motion passed.