

STATE OF MICHIGAN  
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY  
EMPLOYMENT RELATIONS COMMISSION

APPROVED MINUTES  
REGULAR MEETING OF DECEMBER 8, 2020  
VIA ZOOM CONFERENCING

The meeting of the Michigan Employment Relations Commission was called to order at 10:00 a.m. by the Commission Chair, Samuel R. Bagenstos.

Those in attendance via Zoom conferencing: Samuel R. Bagenstos, Commission Chair; Robert S. LaBrant, Commissioner; Tinamarie Pappas, Commissioner; Sidney McBride, Interim Bureau Director; Micki Czerniak, Labor Mediator; Carl Wexel, Administrative Law Specialist; Ashley Rahrig, Departmental Analyst; Deborah Stewart, Executive Secretary; and Tracy Marr, Mediation Secretary.

Public by remote attendance: Piotr Matusiak, Thrun Law Firm.

It was moved by Commission Chair Bagenstos and seconded by Commissioner Robert S. LaBrant to adopt the proposed agenda, with amendment to Director's Report to add new Item No. 10 Annual Report--status to Commission. A vote was called--Bagenstos, Aye; LaBrant, Aye; Pappas, Aye. The motion passed.

## **MINUTES**

It was moved by Commissioner Pappas and seconded by Commissioner LaBrant to adopt the proposed minutes of the regular MERC meeting of November 12, 2020. A vote was called--Bagenstos, Aye; LaBrant, Aye; Pappas, Aye. The motion passed.

## **DIRECTOR'S REPORT**

The Act 312 Report and Fact-Finding Reports were reviewed.

The MOAHR ALJ Reports were reviewed and discussed. Commission Chair Bagenstos noted that hearings had taken place over a year ago in two of the Detroit Fire Fighter cases and the status is listed as "in draft." There are also three cases listed as ready to write that are more than six months old after the record closed. Director McBride stated he has had some preliminary discussion about processing time with MOAHR staff. One of the delays has been the practice of allowing parties to adjourn cases with the idea that the parties may be able to reach settlement. Director McBride also indicated that he would put together some recommendations to provide to the Commission.

The MERC Cases in Commission Review and MERC Appellate reports were reviewed.

The Election Certification and Elections Trends Reports were reviewed. Director McBride noted during the month of November 2020, there were eight elections held resulting in eight exclusive representatives for the respective bargaining units.

The Mediation Activity Trends Report was reviewed.

The New Case Initiations Monthly Report was reviewed with a total of 86 new cases initiated during November 2020.

The Commission reviewed the proposed meeting calendar for 2021. The standard second Tuesday of each month was listed with the meetings from January through March to be held remotely. It was moved by Commissioner LaBrant and seconded by Commissioner Pappas to adopt the proposed meeting schedule. A vote was called-- Bagenstos, Aye; LaBrant, Aye; Pappas, Aye. The motion passed.

The FY 2020 Annual Report is ready for approval and release subject to some final proof reading and confirmation of some metrics. It was moved by Commission Chair Bagenstos and seconded by Commissioner LaBrant to approve the issuance of the report conceptually subject to the editorial changes to be made by staff. A vote was called-- Bagenstos, Aye; LaBrant, Aye; Pappas, Aye. The motion passed.

## **ADMINISTRATIVE AGENDA**

### 1. Bureau Director's Updates:

Director McBride noted the following:

#### a. COVID-19 Impact:

- The MDHHS issued an executive order that put into place many of the COVID-19 protections that were in place over a series of executive orders issued by the Governor. The Governor recently announced an extension through December 20<sup>th</sup> on many of those restrictions. The MERC offices will remain closed to in-person visits by non-staff persons through March 2, 2021. Limited MERC Staff continues to report on rotation to the office using the State's workplace safety protocols including preliminary screenings. There is never more than three staff persons in the office at any one time. Staff telecommuting will continue through March 2, 2021 subject to further extension. LEO approved the return to work plans for all agencies. Director McBride will be sending that information to the Commission as well as to all MERC staff.

#### b. Hot Issues:

- No work stoppages or other critical issues to report for November 2020.

#### c. Miscellaneous:

- Rules Revision. MERC assigned staff (Czerniak, Wexel, Rahrig) will have the next update at the January 12, 2021 meeting.
- MERC eFile. Last month it was mentioned that an anticipated software change now requires significant re-tooling of a major component used with the public facing component. Director McBride

will work with DTMB on the best and most cost-effective means for making the change with little to no disruption in access and use by public users. This change is critical to move forward with the concept of mandatory e-filing for agency cases.

- Message from Commission. Commission Chair Bagenstos expressed wishes on behalf of the Commission to staff for a Happy Holiday Season.
2. The next regular meeting of the Commission was confirmed for **Tuesday**, January 12, 2021 at 10:00 a.m. using Zoom videoconferencing. It was moved by Commissioner Pappas and seconded by Commissioner LaBrant to approve the meeting date and time. A vote was called--Bagenstos, Aye; LaBrant, Aye; Pappas, Aye. The motion passed.

## **DECISIONAL AGENDA**

**The Commission decided the following matters:**

- \* ***Detroit, City of (Pension Bureau) -and- Lennie Jackson***  
Case No. 20-C-0512-CE
- \* ***Detroit, City of (Pension Bureau) -and- Lennie Jackson***  
Case No. 20-D-0750-CE

Carl Wexel summarized the disputes in each case, and the ALJ's conclusion recommending dismissal of each matter.

It was moved by Commissioner LaBrant and seconded by Commission Pappas to adopt recommendations of the ALJ in each case. A vote was called—LaBrant, Aye; Pappas, Aye; Bagenstos, Aye. The motion passed.

## **TENTATIVE DECISIONAL AGENDA FOR NEXT MEETING**

***Ypsilanti Community Schools and Teamsters Local 243 and Freeman and Harris***, Case Nos. 19-H-1710-CE, 20-A-0017-CE and 20-A-0016-CE

## **NEW BUSINESS**

None.

## **OLD BUSINESS**

None.

## **PUBLIC COMMENT**

None.

## **ADJOURNMENT**

There being no further business before the Commission at this time, Commissioner Pappas moved to adjourn the meeting and seconded by Commissioner LaBrant that the meeting be adjourned at 10:27 a.m. A vote was called. Bagenstos, Aye; LaBrant, Aye; Pappas, Aye. The motion passed.