

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

APPROVED MINUTES
REGULAR MEETING OF AUGUST 11, 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 remote conferencing: Samuel R. Bagenstos, Commission Chair; Edward D. Callaghan, Commissioner; Robert S. LaBrant, Commissioner; Sidney McBride, Interim Bureau Director; Carl Wexel, Administrative Law Specialist; Micki Czerniak, Labor Mediator; Ashley Rahrig, Departmental Analyst; Deborah Stewart, Executive Secretary; and Tracy Marr, Mediation Secretary.

Public by remote attendance: Peter Matusiak.

It was moved by Commissioner Robert S. LaBrant and seconded by Commissioner Edward D. Callaghan to adopt the proposed agenda as presented. A vote was called. Bagenstos, Aye; Callaghan, Aye; LaBrant, Aye. The motion passed.

MINUTES

It was moved by Commissioner Callaghan and seconded by Commissioner LaBrant to adopt the proposed minutes of the regular MERC meeting held remotely on July 16, 2020. A vote was called. Bagenstos, Aye; Callaghan, Aye; LaBrant, Aye. The motion passed.

DIRECTOR'S REPORT

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

The MOAHR ALJ Reports were reviewed and discussed.

The MERC Cases in Commission Review Report was reviewed.

The MERC Appellate Report was reviewed.

The Election Certification and Elections Trends Reports were reviewed. Director McBride noted that during the month of July, six mail ballot elections were conducted that resulted in exclusive bargaining representatives being certified in five of those elections.

The Mediation Activity Trends Report was reviewed.

The New Case Initiations Monthly Report was reviewed.

Department of Treasury report was reviewed noting no change over the past few months.

ADMINISTRATIVE AGENDA

1. Bureau Director's Updates

Commission Chair Bagenstos expressed appreciation for the work the staff is doing on behalf of the Commission, especially during this pandemic.

Director McBride noted the following:

a. COVID-19 Impact:

The Governor continues to require the appropriate safeguards to protect against the spread of COVID-19. As such, the MERC offices remain closed to the public through mid-September. Beginning August 10, 2020, any staff reporting to a State location is required to complete a pre-screening form. The questions are designed to help determine and dissuade employees who are symptomatic or recently exposed to COVID-19 from reporting to the workplace. Also, state buildings with public access have implemented a higher level of scrutiny for all visitors (e.g. temperature checks).

b. MERC Office Access: Limited staff on a regular schedule report to the offices on a rotating basis. Other MERC staff coordinates access with Director McBride to ensure no more than four persons are in the office at one time.

c. Budget Impact: LEO Administration has advised many of the budgetary restraints will likely continue into FY 2021. Exact impact on each agency is unclear at this time. There is no indication whether further layoffs or furlough days are slated for State employees in FY 2021. The freeze on filling vacancies and discretionary spending continues until further notice.

d. Hot Issues: SEIU Healthcare recently filed strike notices against 19 different nursing homes in the Metro Detroit area. Director McBride stated that he and Micki Czerniak are currently mediating those cases to prevent the work stoppages and resolve the contract disputes. These matters involve private sector employers. Pursuant to state law, the MERC mediation division immediately seeks to assist to resolve a pending labor- management contract dispute once a work stoppage is threatened by either party.

e. Miscellaneous: Strategic Plan update. Recently, Ashley, Micki and Denise have been working with the Office of Internal Controls and made modifications to the latest draft of the agency's strategic plan.

2. The next regular meeting of the Commission was confirmed for **Tuesday**, September 8, 2020 at 10:00 a.m. using Zoom videoconferencing. It was moved by Commissioner Callaghan and seconded by Commissioner LaBrant to approve the

meeting date and time. A vote was called. Bagenstos, Aye; Callaghan, Aye; LaBrant, Aye. The motion passed.

DECISIONAL AGENDA

The Commission decided the following matters:

- * ***City of Grayling -and- Police Officers Association of Michigan -and- Todd E. Hatfield***, Case Nos. C18 C-022 & CU18 C-005. It was moved by Commissioner LaBrant and seconded by Commissioner Callaghan to adopt the decision as presented finding that there was no unfair labor practice by the employer or that the union violated its duty of fair representation along with Commission Chair Bagenstos' dissent concurs with the majority except as to the remedy. A vote was called. Callaghan, Aye; LaBrant, Aye; Bagenstos, Nay. The motion passed.

TENTATIVE DECISIONAL AGENDA FOR NEXT MEETING

City of Detroit Fire Department -and- Detroit Fire Fighters Association, Local 344, Case No. 19-C-0479-CE.

NEW BUSINESS

None

OLD BUSINESS

Commissioner Callaghan encouraged the continuation of the MERC training programs even since the impact of COVID-19. Director McBride noted that some of training programs are being scheduled to the extent the parties can participate remotely or even if those interested are able to come assemble and uphold the MIOSHA and CDC recommended protocols.

PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Callaghan moved to adjourn the meeting and seconded by Commissioner LaBrant that the meeting be adjourned at 10:29 a.m. A vote was called. Bagenstos, Aye; Callaghan, Aye; LaBrant, Aye. The motion passed.