STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

In the Matter of:

TAYLOR SCHOOL DISTRICT,
Public Employer,

MERC Case No. R16 I-094
Hearing Docket No. 16-029964

-and-

SEIU LOCAL 517M – MICHIGAN PUBLIC EMPLOYEES,
Incumbent - Labor Organization,

-and-

26M TAYLOR SCHOOLS SUPPORT STAFF ASSOCIATION,
Petitioner - Labor Organization.
_____/

APPEARANCES:

Collins and Blaha, P.C., by John C. Kava, for the Public Employer

Pilchak and Cohen, P.C., by Daniel G. Cohen, for the Petitioner - Labor Organization

Fraser, Trebilcock, Davis, and Dunlap P.C., by Brandon W. Zuk, for the Incumbent - Labor Organization

DECISION AND ORDER ON MOTION FOR RECONSIDERATION

On May 11, 2017, we issued our Decision and Direction of Election (Decision) in the above case directing an election in the bargaining unit of employees to determine whether they wish to be represented by SEIU Local 517M-Michigan Public Employees (Incumbent), by 26M Taylor Schools Support Staff Association (Petitioner), or by neither labor organization.

On May 26, 2017, SEIU Local 517M filed a timely motion for reconsideration of that decision and request to stay the election. On June 6, 2017, 26M Taylor Schools Support Staff Association filed its response to the motion for reconsideration.

The Taylor School District (Employer) did not submit a response to the motion.

In its motion, SEIU Local 517M requests that the Commission reconsider its Decision to a limited extent so as to allow the Incumbent to be identified on the Notice and Ballot as "Local

26M-Division of SEIU Local 517M." Incumbent further requests that the election be stayed while this motion is pending.[1]

In its response to the motion for reconsideration, Petitioner submits that allowing Incumbent to be identified on the ballot as "Local 26M-Division of SEIU Local 517M" is not warranted as this will further create the very confusion that Local 517M complained of in its initial objections to the election filed on October 17, 2016. Petitioner also notes that "Local 26M-Division of SEIU Local 517M" is not a legally recognized entity and requests that the motion for reconsideration and request to stay the election be denied.

Rule 167 of the Commission's General Rules, 2014 MR R 423.167, governs motions for reconsideration and states in pertinent part:

> A motion for reconsideration shall state with particularity the material error claimed . . . . Generally, and without restricting the discretion of the commission, a motion for reconsideration which merely presents the same issues ruled on by the commission, either expressly or by reasonable implication, will not be granted.

In the present case, Incumbent has not properly set forth grounds for reconsideration of our earlier order. Incumbent argues that Petitioner's use of the Local 26M designation might have the effect of confusing unit members about which organization to support. We rejected this argument in our May 11, 2017 decision, noting "that even if there were truth to the Incumbent's claims that there was confusion with respect to the showing, it would have time to address and correct any confusion during the campaign leading up to an election." Consequently, Incumbent essentially restates an argument that was carefully considered and decided in our previous Decision.

Additionally, our review of the record establishes that the Incumbent has been identified, without objection, as SEIU Local 517M since the petition was filed on September 22, 2016. Further, Incumbent's Executive Director, Liza Estlund Olson, testified that SEIU Local 26M ceased to exist in 2005. We believe that allowing Incumbent to be identified on the ballot as "Local 26M-Division of SEIU Local 517M" would, therefore, encourage the very confusion about which Incumbent previously complained. Furthermore, Incumbent's request that it be identified on the Notice and Ballot as "Local 26M-Division of SEIU Local 517M" was made for the first time in its motion dated May 26, 2017. This is not a request that could have been considered by the Commission in its May 11, 2017 Decision; it, therefore, is not proper to use Rule 167 to "reconsider" it now.

[1] For the reasons previously stated in our May 11, 2017 Decision and as reiterated in this Decision, the Commission did not then and does not now believe that there was a basis for Incumbent's request that the election be stayed under Rule 146 of the Commission's General Rules. Consequently, the election was held as scheduled and the results were certified on July 5, 2017.

For these reasons, we find that the Incumbent has not set forth grounds for its motion for reconsideration. See *City of Detroit Water & Sewerage Dep't*, 1997 MERC Lab Op 453, and *Detroit Pub Sch*, 21 MPER 52 (2008).

Finally, for the reasons set forth in this Decision and the Commission's previously-issued Decision, there is no basis for Incumbent's request that the election be stayed under Rule 146 of the Commission's General Rules, 2014 MR R 423.146.

ORDER

The motion for reconsideration and request to stay the election is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

/s/
Edward D. Callaghan, Commission Chair

/s/
Robert S. LaBrant, Commission Member

/s/
Natalie P. Yaw, Commission Member

Dated: July 12, 2017