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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

EMPLOYMENT RELATIONS COMMISSION MEETING OF NOVEMBER 10, 2022 APPROVED MINUTES

In accordance with the Open Meetings Act 1976 PA 267, as amended, the Michigan Employment Commission met on Tuesday, November 10, 2022. The meeting was held at Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, Conference Room F, Detroit, Michigan 48202.

CALL TO ORDER

Commission Chair Tinamarie Pappas called the meeting to order at 10:00 a.m.

ROLL CALL

Members Present: Tinamarie Pappas, Commission Chair
William F. Young, Commission Member

Staff Present: Sidney McBride, Bureau Director
Lynn Morison, Administrative Law Examiner (virtual)
Carl Wexel, Administrative Law Specialist
Sharon Peper, Legal Secretary (virtual)
Ashley Rahrig, Departmental Analyst (virtual)
Deborah Stewart, Senior Executive Management Asst.

With several undisclosed virtual public attendees:

APPROVAL OF AGENDA

MOTION by Young, seconded by Pappas, to adopt the proposed agenda as presented.

A vote was held: Yeas – Pappas, Young
Nays – None
MOTION CARRIED

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APPROVAL OF MINUTES

MOTION by Young, seconded by Pappas, to approve the proposed minutes of the regular MERC monthly meeting of October 11, 2022, as submitted.

A vote was held Yeas – Pappas, Young
 Nays – None
 MOTION CARRIED

DIRECTOR'S REPORT

Report summaries as of October 31, 2022, were as follows:

- MOAHR ALJ Reports: Total of 71 cases pending at MOAHR including 18 at the 'ready to write' stage comprising of ULP and Election cases. There were 4 hearings held and 10 adjourned hearings.
- Appellate Report: At the close of October 31, 2022, a total of 4 MERC cases were on appeal-- 3 matters before the Michigan Court of Appeals and 1 before the Michigan Supreme Court. No appellate decisions were issued during the month.
- MERC Cases in Commission Review: Four MERC decisions were issued and 2 cases awaiting expiration of the exceptions filing deadline.

The next group of reports relate to the monthly activity for the various case types within the agency during October 2022. In sum—

- Election Certifications and Trends Reports. The agency conducted 4 representation elections and issued 4 certifications of representative. Those 4 bargaining units comprise of a total of 69 employee positions. The Elections Activity Trends report has been modified in FY 2023 by adding six new metrics including election cases referred and disposed of in voluntary mediation. For the month, a total of 3 election cases were referred to the ALJs.
- ULP Trends Report During the month, there was 1 new ULP case submitted to voluntary mediation, 4 MERC decisions issued, 2 files returned by the ALJs, 1 appellate matter filed, and 1 case settled in voluntary mediation.
- Mediation FY Activity Trends Report During the month, there were 35 mediation requests, 58 mediation conferences, and 28 cases settled by MERC Mediators.
- Mediation Monthly Activity Report
This is a new report starting with FY 2023 that provides some detail on virtual processes and Fact Finding and Act 312 matters that return to mediation.

- New MERC Cases Report There were 101 new cases initiated during the month that comprised of 11 grievance mediation, 1 grievance arbitration appointment requests, 76 bargaining notices, 3 elections, 10 ULPs and zero work stoppages.
- Contract Cases in Hearing Stage: During October 2022, a total of 13 contract bargaining cases were in the hearing stage with 6 in Fact Finding and 7 in Act 312. Three cases reached tentative agreements with 1 ratifying and 2 pending union action at the close of the month.

ADMINISTRATIVE AGENDA

1. Bureau Director's Updates:

Director McBride noted the following:

a. Monthly Hearing Calendar: Discussed earlier in MOAHR ALJ Reports.

b. Proposed 2023 Meeting Calendar:

Noting the meeting location has moved to 2nd Floor Annex in Cadillac Place, Ste 2-750 in Conference Room E. It was moved by Young and seconded by Pappas to approve the Proposed 2023 Meeting Calendar and location.

A vote was held: Yeas – Pappas, Young
 Nays – None
 MOTION CARRIED.

c. FY2022 Annual Report:

The report is undergoing some updates and revisions and is about 75% complete. A draft will be provided to the Commission and may be ready for approval at the December 2022 meeting.

d. Miscellaneous:

- MERC New Staff person: Mr. Lukasz Jachyra, recently began employment with the agency in a new position of End User Support Analyst. He has been working on various technical related enhancements in many areas including today's improved live streaming set-up using a new camera.
- MERC Staff Retirement: One of MERC's Labor Mediators will be retiring effective the end of the year. The name will be announced at a later date. Director McBride will be working with Human Resources to appropriately fill any vacancies.
- Association of Labor Relations Agencies (ALRA): ALRA is an international association and is conducting three concurrent round table discussions.

Today's roundtables include one on Mediation Trends that Director McBride is co-facilitator, and another targeted for Administrators. The 3rd roundtable for Adjudicators is scheduled for November 18, 2022. If interested, send an email to info@alra.org.

2. The next regular meeting of the Commission was confirmed for Tuesday, December 13, 2022, at 10:00 a.m. at Detroit Cadillac Place in 2nd Floor Annex in Conference Room E. It was moved by Young and seconded by Pappas to approve the meeting date and time.

A vote was held: Yeas – Pappas, Young
 Nays – None
 MOTION CARRIED.

DECISIONAL AGENDA No matters requiring Commission action

TENTATIVE DECISIONAL AGENDA FOR NEXT MEETING To be determined.

NEW BUSINESS None.

OLD BUSINESS None.

PUBLIC COMMENT None.

ADJOURNMENT

There being no further business before the Commission at this time, Commissioner Young moved to adjourn the meeting and seconded by Commission Chair that the meeting be adjourned at 10:25 a.m.

A vote was held: Yeas – Pappas, Young
 Nays – None
 MOTION CARRIED