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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

EMPLOYMENT RELATIONS COMMISSION MEETING OF FEBRUARY 8, 2022 APPROVED MINUTES

In accordance with the Open Meetings Act 1976 PA 267, as amended, the Michigan Employment Commission met on February 8, 2022. The meeting was held at Cadillac Place, 3024 W. Grand Boulevard, Suite L-150, 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
Carl Wexel, Administrative Law Specialist
Deborah Stewart, Senior Executive Management Asst.

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 January 11, 2022, as submitted.

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

DIRECTOR'S REPORT

Report summaries for January 31, 2022 were as follows:

- MOAHR ALJ Reports— Overall total of 102 cases pending at MOAHR including 10 at the 'ready to write' stage.
- Appellate Report—2 MERC cases pending before the Michigan Court of Appeals and 2 MERC cases pending before the Michigan Supreme Court. On February 1, 2022, the Michigan Court of Appeals issued a decision reversing one of the Commission's decisions in MERC Case No. 19-C-0479-CE (City of Detroit Fire Department and Detroit Fire Fighters Association).
- MERC Cases in Commission Review—7 cases listed on the report where 3 were issued in January 2022 and one on the agenda for action today.

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

- Election Certifications and Trends Reports indicate the agency conducted 4 representation elections and issued 3 certifications. The 3 certifications issued involved bargaining units covering 43 employee positions.
- ULP Trends Report showed 16 newly initiated ULP cases, 3 ULP cases with parties agreeing to participate in voluntary mediation, 3 MERC decisions were issued and 4 administrative case dismissals—cases dismissed by the MOAHR ALJs or by BER Director based on filing deficiencies.
- Mediation Activity Trends Report showed 55 cases with first time mediation requests, 70 mediation conferences and 22 cases settled through MERC mediation.
- New MERC Cases Report indicated 178 cases were initiated during the month that comprised of 24 grievances, 133 collective bargaining, 4 election, 16 ULP cases and no work stoppage cases.
- Contract Cases in Hearing Stage: This report is pending future revision. During January 2022, a total of 12 Contract Bargaining cases were in the hearing stage with 8 in Act 312 Arbitration and 4 in Fact finding. Two cases settled and one case remains on hold due to court order.

ADMINISTRATIVE AGENDA

1. Bureau Director's Updates:

Director McBride noted the following:

a. COVID-19 Impact:

Monday, February 28, 2022, continues to be the return to office date for State employees. Once lifted, staff will begin a hybrid work schedule in where most of the staff will have some scheduled office days each week.

b. Miscellaneous:

1. Association of Labor Relations Agencies is an international association. In 2021, Director McBride was appointed to its Board. The 2022 conference will be virtual in July 2022 with tentative conference plans to be held in Nova Scotia in 2023 and Detroit in 2024.

2. Monthly Hearing Calendar: This is an item to eventually be added to the monthly meeting reports. It is a calendar for scheduled hearings on MERC cases. Ashley Rahrig, Departmental Analyst, will be monitoring, reviewing, and authorizing payment for the contracted DTMB approved vendors providing court reporting functions on the ALJ and 312 hearings.

3. Voluntary Mediation: As of today, 12 total cases have been submitted for voluntary mediation with 4 being resolved, 2 moved to MOAHR and the others continuing in voluntary mediation.

c. The next regular meeting of the Commission was confirmed for Tuesday, March 8, 2022, at 10:00 a.m. at Detroit Cadillac Place. 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

The Commission decided the following matters:

- ***Washtenaw Community College and Kimberly Dosey***, Case No. 21-J-1938-CE

Staff Attorney Carl Wexel provided a brief summary of the case filed by the Union. It was moved by Young and seconded by Pappas to affirm the ALJ's

Decision and Recommended Order to dismiss the appeal as procedurally defective.

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

TENTATIVE DECISIONAL AGENDA FOR NEXT MEETING

None.

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 10:17 a.m.

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