



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
DIRECTOR

EMPLOYMENT RELATIONS COMMISSION MEETING OF OCTOBER 10, 2023 APPROVED MINUTES

In accordance with the Open Meetings Act 1976 PA 267, as amended, the Michigan Employment Relations Commission met on Tuesday, October 10, 2023. The meeting was held at Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, Conference Room E, Detroit, Michigan 48202, and also livestreamed via Zoom Conferencing program.

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
Robert L. Chiaravalli, Commission Member

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

Virtual Public Attendees: 3

APPROVAL OF AGENDA

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

MICHIGAN EMPLOYMENT RELATIONS COMMISSION
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A vote was held: Yeas – Pappas, Young, Chiaravalli
 Nays – None
 MOTION CARRIED

APPROVAL OF MINUTES

MOTION by Young, seconded by Chiaravalli, to approve the proposed minutes of the regular MERC monthly meeting of September 12, 2023, as submitted.

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

DIRECTOR'S REPORT

Report summaries as of September 30, 2023, were as follows:

- MOAHR ALJ Reports: As of September 30, 2023, a total of 77 cases were pending at MOAHR including 14 at the 'ready to write' stage. ALJs issued one Decision and Recommended Order, and 2 cases were withdrawn.
- Appellate Report: During September 2023, 4 MERC cases were on appeal with 2 before the Michigan Court of Appeals and 2 before the Michigan Supreme Court.

Commission Chair Pappas provided a brief summary regarding Kalamazoo Public Schools -and- Kalamazoo Education Association (MERC Case No. 21-G-1465-CU), the Michigan Court of Appeals in a 2-1 opinion reversed the Commission's Decision. Information recently was received indicating that the Kalamazoo Education Association, an affiliate of the Michigan Education Association, has filed an application for leave to appeal with the Michigan Supreme Court. Commission Chair Pappas noted that any further action by MERC is premature until a ruling is received from the Michigan Supreme Court.

It was moved by Commissioner Young, seconded by Chiaravalli, to hold the case in abeyance pending a final resolution by the Michigan Supreme Court.

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

- MERC Cases in Commission Review: 9 cases were on the monthly report with 2 orders issued, and 3 files pending the record close date.

The next group of reports relate to the monthly activity for various case types within the agency during September, 2023. In sum—

- Election Certifications and Trends: The agency conducted 7 elections and issued 7 certifications of representatives that covered 93 employee positions. 1 matter was referred to voluntary mediation, and 1 referred to ALJs. Director McBride

noted that September is the close of the FY2023 period during which 107 Election petitions were filed with the agency (95 Representation and 12 Unit clarification).

- ULP Trends: During the month, 3 ULP files were referred to the ALJs, 3 MERC decisions issued, and 1 claim of appeal filed. For the FY2023 period at total of 110 ULPs were filed.
- Mediation Trends and Monthly Activity: During September 2023, 51 mediation conferences were held by MERC Labor Mediators with 39 conducted in-person and 12 held virtually. There were 15 case files closed during the month. For the FY2023 period, there were 1461 contract bargaining cases and 258 grievance mediation cases initiated by the agency.
- New MERC Case Initiations: A total of 99 new cases were initiated during September 2023 that comprised of 8 grievance mediation requests, 3 grievance arbitration appointment requests, 72 contract bargaining notices, 10 election petitions, 6 ULP charges and no work stoppages.
- Contract Cases in Hearing Stage: During September 2023, 10 contract bargaining cases were in the hearing stage with 6 in Act 312 Arbitration and 4 in Fact Finding. Also, 1 Fact Finding Report was issued, 1 Act 312 Award issued, and 3 files placed on hold due to pending related issues.

ADMINISTRATIVE AGENDA

1. Bureau Director's Updates:

Director McBride noted the following:

- a. Monthly Hearing Calendar: During September 2023, the MOAHR ALJs conducted 3 hearings and adjourned 10 hearings.
- b. Legislative Changes. Information on the recently enacted legislative changes that impact MERC laws can be found in a summary chart posted on the agency' website. The chart will be updated and include an active link to the actual text of the public act. Most for the new changes become effective during the 1st quarter of 2024.

2. The next regular meeting of the Commission was confirmed for **Tuesday, November 14, 2023**, 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 Chiaravalli to approve the meeting date and time.

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

DECISIONAL AGENDA None.

TENTATIVE DECISIONAL AGENDA FOR NEXT MEETING: None.

University of Michigan and Michigan Nurses Association,
Case No. 19-I-1855-CE (Remand).

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 Chiaravalli that the meeting be adjourned at 10:19 a.m.

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