

**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

In the Matter of:

TEAMSTERS LOCAL 214,
Labor Organization-Respondent,

Case No. CU14 C-010

-and-

TINA HOUSE,
An Individual-Charging Party.

APPEARANCES:

Pinsky, Smith, Fayette, & Kennedy LLP, by Michael L. Fayette, for Respondent

National Right to Work Legal Defense Foundation, Inc., by John N. Raudabaugh, for Charging Party

ORDER ON REMAND

This matter is before the Commission on remand from the Michigan Court of Appeals. The Commission issued a Decision and Order on February 10, 2016, finding that Respondent, Teamsters Local 214 (Union), took no action to collect or attempt to collect union dues it claimed were owed to it by Charging Party Tina House. Based on that conclusion, we found that the charge failed to state a claim upon which relief could be granted under PERA and dismissed the charge.

In a September 12, 2017 unpublished decision, the Michigan Court of Appeals reversed our Decision and Order and remanded this matter to us for further proceedings consistent with its decision. The Court of Appeals held that Respondent committed an unfair labor practice when it sent a letter to House stating that she was obligated to pay dues unless she revoked her financial obligation to the Union between June 1 and June 16. The Court of Appeals decision is attached hereto and incorporated by this reference.

In accordance with the Michigan Court of Appeal's decision, we issue the following Order:

ORDER

Respondent Teamsters Local 214, its officers and agents, are hereby ordered to:

1. Cease and desist from restraining and coercing employees in the exercise of their rights under § 9 of PERA to refrain from joining or financially supporting labor organizations by:

a. Failing to recognize Tina House's status and to accord her the rights of an objecting nonmember, including but not limited to, the opportunity to pay a reduced service fee in lieu of dues after Respondent received House's December 4, 2013 letter resigning her union membership and revoking her dues deduction authorization.

b. Failing to acknowledge that House had no obligation to pay any dues or fees to Respondent for the period after the December 31, 2013 expiration of the union security provision contained in the collective bargaining agreement that covered the bargaining unit in which House was then a member.

c. Failing to acknowledge that House had no obligation to pay any dues or fees to Respondent between the date of Respondent's receipt of House's December 4, 2013 letter and December 31, 2013, except to the extent that she was required to do so under the terms of the union security provision contained in the collective bargaining agreement that covered the bargaining unit in which House was then a member.

2. Take the following affirmative action to effectuate the purposes of the Act:

a. Affirmatively notify Tina House in writing that:

i) her December 4, 2013 resignation has been accepted;

ii) for the period between Respondent's receipt of her resignation and December 31, 2013, she had no obligation to pay any dues or fees to Respondent, except to the extent that she was required to do so under the terms of the union security provision contained in the collective bargaining agreement; and

iii) for the period following December 31, 2013, she has no obligation to pay any dues or fees to Respondent;

b. Request and obtain the agreement of House's employer, Lapeer County, to post the attached notice to employees in conspicuous places on the employer's premises, including all places where notices to members of Respondent's bargaining unit are normally posted, for a period of 30 consecutive days.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

/s/
Edward D. Callaghan, Commission Chair

/s/
Robert S. LaBrant, Commission Member

/s/
Natalie P. Yaw, Commission Member

Dated: January 12, 2018

NOTICE TO EMPLOYEES

PURSUANT TO AN ORDER OF THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION ON REMAND FROM THE MICHIGAN COURT OF APPEALS WHICH FOUND THAT **TEAMSTERS LOCAL 214** COMMITTED UNFAIR LABOR PRACTICES IN VIOLATION OF THE MICHIGAN PUBLIC EMPLOYMENT RELATIONS ACT.

WE HEREBY NOTIFY THE EMPLOYEES IN THE BARGAINING UNIT THAT WE REPRESENT THAT:

WE WILL NOT restrain or coerce employees in the exercise of their right under § 9 of PERA to refrain from joining or financially supporting labor organizations.

WE WILL acknowledge Tina House's status and accord her the rights of an objecting nonmember, including but not limited to, the opportunity to pay a reduced service fee in lieu of dues after we received House's December 4, 2013 letter resigning her union membership and revoking her dues deduction authorization.

WE WILL acknowledge that House had no obligation to pay any dues or fees to us for the period after the December 31, 2013 expiration of the union security provision contained in the collective bargaining agreement that covered the bargaining unit in which House was then a member.

WE WILL acknowledge that House had no obligation to pay any dues or fees to us, between the date we received House's December 4, 2013 letter and December 31, 2013 except to the extent that she was required to do so under the terms of the union security provision contained in the collective bargaining agreement that covered the bargaining unit in which House was then a member.

WE WILL affirmatively notify Tina House in writing that:

- a) her December 4, 2013 resignation has been accepted;
- b) for the period between Respondent's receipt of her resignation and December 31, 2013, she had no obligation to pay any dues or fees to Respondent, except to the extent that she was required to do so under the terms of the union security provision contained in the collective bargaining agreement; and
- c) for the period following December 31, 2013, she has no obligation to pay any dues or fees to Respondent.

WE WILL, request and obtain the agreement of House's employer, Lapeer County, to post the attached notice to employees in conspicuous places on the employer's premises, including all places where notices to members of the bargaining unit are normally posted, for a period of 30 consecutive days.

TEAMSTERS LOCAL 214

By: _____

Title: _____

Date: _____

This notice shall remain posted for a period of thirty consecutive days and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Michigan Employment Relations Commission, Cadillac Place, 3026 W. Grand Blvd., Suite 2-750, P.O. Box 02988, Detroit, MI 48202-2988, (313) 456-3510.