

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

In the Matter of:

CITY OF FARMINGTON HILLS,  
Public Employer,

Case No. R17 L-099

-and-

TEAMSTERS LOCAL 214,  
Labor Organization-Petitioner.

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**APPEARANCES:**

Keller Thoma, by Gary P. King, for the Employer

Joseph Valenti, President, Teamsters Local 214, for Petitioner

**DECISION AND DIRECTION OF ELECTION**

On December 26, 2017, Teamsters Local 214 filed a petition for a representation election with the Michigan Employment Relations Commission pursuant to Section 12 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.213. Pursuant to Section 16 of the Act, the petition was assigned for hearing to Julia C. Stern, Administrative Law Judge (ALJ) for the Michigan Administrative Hearing System<sup>1</sup>. Based on the record of the evidentiary hearing held on February 9, 2018, the Commission finds as follows:

**The Petition:**

Teamsters Local 214 seeks an election in a unit described in the petition as “All on-call part-time firefighters, sergeants, lieutenants, and district chiefs” employed by the City of Farmington Hills, but excluding all full-time positions. At the hearing, Petitioner agreed to amend the unit description to exclude “all full-time positions and all other positions.”

**History of the Proceeding and Findings of Fact:**

Full-time firefighters employed by the Employer are currently represented by the Farmington Hills Fire Fighters Association, Local 2569, International Association of Fire Fighters (IAFF). The positions covered by the petition have not been historically represented by any labor organization.

On December 13, 2017, Local 2569’s counsel, Ron Helveston, sent a letter to the Employer. The first paragraph of this letter reads as follows:

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<sup>1</sup> MAHS Hearing Docket No. 18-001505

I am writing on behalf of my clients, the Farmington Hills Fire Fighters, Local 2569, IAFF, to address their concern that the Paid-On-Call personnel are contemplating retaining a labor organization, Teamsters Local 214, for the purpose of collective bargaining *in violation of the extant Union's contract so recognized by the public employer, the City of Farmington Hills*, [Emphasis added].

Other portions of this letter seemed in conflict with the above statement. After the petition for election was filed and a conference call was scheduled by the Commission's election agent, the Employer's counsel, Gary King, sent a series of emails to Helveston attempting to clarify the meaning of the December 13, 2017 letter. This included an email on January 19, 2018, in which King asked Helveston whether the last sentence of his letter meant that "if an election is held in the currently pending MERC case with the Teamsters, and the paid on-call personnel vote to be represented by the Teamsters, your client will have no objection to the City engaging in bargaining with the newly-certified unit of employees?" Helveston did not respond to King's January 19, 2018 email.

During the conference call with the Commission's election agent on January 22, 2018, the Employer stated that based on the December 13, 2017 letter, it could not consent to an election on the petition. The petition was then forwarded to ALJ Stern to conduct a hearing.

On January 26, 2018, ALJ Stern sent the parties and Helveston, a notice of hearing and a letter that included the following:

Included in the Commission's file is a letter dated December 13, 2017, from Mr. Helveston to the Employer, on behalf of his client, the Farmington Hills Fire Fighters, Local 2569, IAFF, AFL-CIO. Local 2569 currently represents a unit of employees in the Employer's Fire Department defined in its contract, and in its original certification, as "All full-time employees below the rank of Deputy Chief." Petitioner, I believe, seeks only to represent part-time employees. Local 2569 has not sought to intervene in the representation case. However, the December 13, 2017 letter suggests that Local 2569 may be taking the position that it is the current representative of employees covered by the representation petition. I understand Mr. King tried to speak with Mr. Helveston to clarify the meaning of the letter, but has not been able to reach him.

As set out in the attached notice, I have scheduled a hearing on the petition for Friday, February 9, 2018. I have not added Local 2569 as a party to the proceeding because, as yet, I see no basis to do so. However, Local 2569, through Mr. Helveston, is being served with a copy of this letter and the Notice of Hearing. If Local 2569 does not appear at the hearing, I will assume that it does not claim to represent any of the employees covered by the petition.

On February 2, 2018, Helveston sent the ALJ a letter stating that it appeared that his December 13, 2017 letter had "found its way into the proceedings in the above-captioned matter," and that it might have been misinterpreted by one or both parties to the proceeding. The letter stated, "To make matters clear: Local 2569 does not claim to represent part-time or paid-on-call fire fighters working in Farmington Hills." The ALJ forwarded copies of this letter to the parties.

No representative of Local 2569 appeared at the hearing. During the hearing, the Employer's representative noted that Helveston had not communicated directly with him, and that the Employer could still not consent to an election based on the statements made in the December 13 letter. He stated, however, that the Employer knew of no other reason why an election should not be conducted pursuant to the petition.

Discussion and Conclusions of Law:

Based on statements made by Helveston in his February 2, 2018 letter and on the fact that Local 2569, although served with a notice, did not appear at the February 9, 2018 hearing, we conclude that no basis exists for adding Local 2569 as a party to this case. We also conclude that no barrier exists to conducting an election pursuant to the petition. We, therefore, issue the following order.

**ORDER DIRECTING ELECTION**

Based upon the above findings and conclusions, we conclude that a question concerning representation exists within the meaning of Section 12 of PERA. We hereby direct an election in the following bargaining unit:

All on-call part-time firefighters, sergeants, lieutenants, and district chiefs employed by the City of Farmington Hills, but excluding all full-time positions and all other positions.

Employees in this bargaining unit shall vote to determine whether they wish to be represented for purposes of collective bargaining by Teamsters Local 214.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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/s/  
Edward D. Callaghan, Commission Chair

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/s/  
Robert S. LaBrant, Commission Member

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/s/  
Natalie P. Yaw, Commission Member

Dated: February 14, 2018