

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

FISCAL YEAR 2024 ANNUAL REPORT
(October 1, 2023 through September 30, 2024)



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INTRODUCTION

MESSAGE FROM COMMISSION CHAIR PAPPAS

I am honored to present the Michigan Employment Relations Commission's 2024 Annual Report. This year marks the completion of my fourth year on the Commission, with three of those years in the role of Chairperson. During my tenure, I have gained direct insight into the significant value of our state labor agency to the citizens of Michigan, and the dedicated efforts of our Director and the staff employed by the Bureau of Employment Relations to serve the parties who come before us.

Since its passage in 1965, the Public Employment Relations Act (PERA) has been a cornerstone for the protection of public sector employees' rights to organize, and bargain collectively with their employer through a representative of their choosing. Through its enforcement of PERA, the Commission provides an avenue of remedial relief for workers who have suffered discrimination due to the exercise of protected rights. The Commission also enforces the duty to bargain in good faith imposed upon public employers and public sector unions and assists those parties in achieving the peaceful resolution of contractual labor disputes.

The Fiscal Year 2024 Report catalogues the significant work done by MERC this past year. Among many other accomplishments, our mediators successfully resolved dozens of labor contract disputes. Numerous unfair labor practice charges and representation cases were heard by MOAHR Administrative Law Judges, and decisions in those matters were issued by the ALJs and the Commission, respectively. Through ongoing efforts to streamline our case management protocols we have also continued to improve overall case processing times.

We are committed to fully embracing the digital age. Toward that end, we have expanded the use of electronic filing to allow a more expedient and user-friendly mechanism for the filing of charges, representation case petitions, and related documents. We have extended our pilot program with a virtual platform for contract mediation proceedings, to afford involved parties and unit employees the opportunity to view this process first-hand. Our voluntary mediation program, which is available both virtually and in-person, has continued to assist parties in attaining a mutually satisfactory resolution of unfair labor practice disputes without the time and economic resources necessitated by formal litigation.

For all these achievements, I extend my sincerest gratitude, respect, and congratulations to our dedicated Director and BER staff, without whom none of this would have been possible.

Significant amendments to both PERA and the Labor Relations and Mediation Act (LMA) were passed by the Michigan legislature in 2023. Most notable were the immediate repeal of "right to work" for private sector employers, labor unions, and employees who come under the jurisdiction of the LMA, and the repeal of many "prohibited subjects" of bargaining for public sector employers and unions under PERA. These statutory changes were successfully implemented by the BER during the 2024 fiscal year without any adverse impact on case processing.

My continuing commitment for the duration of my tenure is to ensure that MERC enforces PERA and the LMA efficiently, equitably, and effectively for the public employees, employers, and labor

unions of our great State through our continued hard work and dedication to the mission that is our legacy.

MESSAGE FROM COMMISSIONER YOUNG

This past fiscal year service as MERC Commissioner was extremely rewarding. I am grateful for the opportunity to continue to serve the Michigan labor community and am most thankful to Governor Whitmer for appointing me to the Commission. I am proud of what has been accomplished by the Bureau of Employment Relations in the past year under the leadership of Chairperson Tinamarie Pappas and Director Sidney McBride. I am further impressed by the work of our most recent appointee, Robert Chiaravalli, who has brought a wealth of experience to our deliberations.

The Commission has continued to refine the means through which citizens may virtually attend Commission meetings, which I hope will allow greater access to those meetings and a more significant opportunity for stakeholders in public sector relations in this State to participate and be heard. Further, the Commission has observed considerable success from the Commission-created expanded opportunities for mediation for those parties who are willing to consider additional avenues to resolve their disputes. I look forward to working with my fellow Commissioners and staff to achieve even greater success from efforts at dispute resolution without the need for litigation. Additionally, I am proud that over the past fiscal year we have continued to reduce the backlog of cases that have been filed with MERC and look forward to continuing our efforts to provide participants with more prompt decision-making.

I continue to be truly impressed by the dedication and effort of the director and staff of the Bureau of Employment Relations. Our staff has successfully faced significant challenges, and we have no idea on what challenges may arise from the most recent contentious election. However, I have no doubt that the Bureau of Employment Relations will rise to the occasion and provide outstanding service to our constituents. The staff's commitment to serve the goals of the agency and the labor community continue to be an inspiration. With thirty-plus years of advocacy as a labor attorney, and my years of service on the Commission, I believe more strongly than ever that a healthy labor relations environment is in the best interest of all residents of this great State. In that vein, I commit to working towards a positive labor relations environment as we confront the challenges faced by those who are served by the Bureau of Employment Relations.

MESSAGE FROM COMMISSIONER CHIARAVALLI

During my first year with the Michigan Employment Relations Commission, I have observed the important and hard work of the Commissioners, ALJs, Director McBride, and his staff in serving the citizens of Michigan. Their competence and objectivity are admirable. The Bureau has effectively used its mediation and facilitation skills to assist the parties in reaching robust and speedy resolution to their disputes. We can all be proud of their work on behalf of the State. Chair Pappas and Commissioner Young continue to be wonderful colleagues for whom I am very grateful. Additionally, I had the pleasure to attend the Annual Conference of the Association of Labor Relations Agencies this year in Detroit. Director McBride received high praise from the

conferees who came from state, federal and Canadian agencies for the program, accommodations, and his warm welcome to Detroit. As one might expect, the MERC staffers were a big part of the conference success.

Thank you, Governor Whitmer, for this appointment to the Michigan Employment Relations Commission. It is an honor to serve the people of Michigan for another 3-year appointment.

MESSAGE FROM DIRECTOR MCBRIDE

I am pleased to continue to serve as Bureau Director and work alongside the committed Commissioners and MERC Staff who have collected provided relief to so many of our labor constituents during FY 2024. As you will discover, the agency has completed work that has addressed more challenging issues and dilemma including a few areas of first impression. Even though a comparison of FY periods 2014, 2018 and 2024, we see fewer number of case filings, the activity has remained robust. In addition to the routine ULP bargaining breaches and R petitions objecting to the composition of a proposed unit, the Commission has resolved more complex disputes that have included the service time given to a rehired former employee; fine-tuning the application of the ‘covered by’ doctrine, and the possible collateral impact of statements by a board member or commissioner. The agency has also successfully assisted in the resolution of contract negotiation disputes and reduced the need for parties to rely on the fact finding and 312 processes as in prior years. Even more successful has been the 92.2% settlement rate of the agency’s Grievance Mediation service during the FY 2024 period.

We are committed to continuously improve our processes to become more efficient, timely and convenient. While no longer bound by COVID restrictions, we still utilize technological enhancements that include electronic case filing (MERC eFile, email and fax); virtual meetings, conferences, mediation and hearings; livestream viewing of monthly Commission Meeting, web access by the public to MERC case activity and decisions; use and acceptance of e-signatories on documents and much more. A special thanks and gratitude to our MERC Commissioners and MERC Staff for their hard work and participation in upholding this agency’s legacy as a very beneficial and highly respected public service entity.

BIOGRAPHICAL SUMMARIES:

MERC CHAIRPERSON TINAMARIE PAPPAS

Tinamarie Pappas (Ann Arbor, MI) was appointed as MERC Commissioner on August 24, 2020, by Governor Whitmer. In early 2021 following the departure of the former chair, Pappas was appointed as Commission Chairperson. Chair Pappas has nearly 37 years of experience in various aspects of labor law including legal proceedings before state and federal courts; unfair labor practice and representation case proceedings before the NLRB and MERC; arbitration hearings; and the negotiation of collective bargaining agreements.

Pappas began her legal career as a trial attorney with Region 7 of the National Labor Relations Board from 1987 to 1995. She subsequently became a partner in the law firm of Rose, Weber, & Pappas. Since 1998, she has been the owner and principal of the Law Offices of Tinamarie Pappas.

Chair Pappas earned a Bachelor of Arts from the University of Michigan, and a Juris Doctor from Wayne State University Law School. Chair Pappas' current term expires on June 30, 2026.

MERC COMMISSIONER WILLIAM YOUNG

William F. Young (Spring Lake, MI) was appointed as MERC Commissioner on April 26, 2021, by Governor Whitmer. Commissioner Young is a retired attorney and former shareholder with White, Schneider, Young & Chiodini, P.C., where for nearly 28 years, he represented labor organizations, teachers' groups, and other workers in the public sector of state and federal courts and administrative agencies. Young holds a Bachelor of Science from Michigan State University and a Juris Doctorate from the University of Michigan Law School.

Commissioner Young's term expires on June 30, 2025.

MERC COMMISSIONER ROBERT CHIARAVALLI

Robert Chiaravalli (Waterford, Michigan) was appointed MERC Commissioner on June 11, 2023, by Governor Whitmer, and reappointed in June 2024. In the past he has worked in the Research Department of the UAW, the National Labor Relations Board, and as a Chief Human Resources Officer of a large automotive supplier. Bob is no stranger to this agency and until recently was a member of MERC's roster of Fact Finders and Grievance Arbitrators.

He is a practicing labor and employment attorney, and currently serves as President of Strategic Labor and Human Resources, LLC where he advises clients in union and non-union workplaces on workplace effectiveness and other related issues. He also serves as the immediate past President of the Detroit LERA Chapter and as the current Regional Vice President of the national LERA. He received a Lifetime Achievement Award in 2024 for his contributions to the field and is a Fellow of the national LERA. He recently completed a three-year assignment on the Department of Justice Monitor team created to ensure company compliance with the criminal consent agreement in the UAW/FCA case.

Bob earned a B.A. from the University of Michigan, a Master of Industrial and Labor Relations from Cornell University and a J.D. from Suffolk University Law School.

Commissioner Chiaravalli's term expires on June 30, 2027.

STAFF BIOGRAPHIES:

Sidney McBride, BER Director, joined the MERC staff in 2009 and currently serves in dual roles as Bureau Director and Mediation Division Administrator. He previously worked in the agency as a MERC Labor Mediator for several years. Before becoming a mediator, he worked as a MERC Administrative Law Specialist with responsibilities that included drafting Commission decisions, conducting election matters, and administering the Act 312 and Fact-Finding programs. Prior to MERC, Sidney worked at the state's largest circuit court in management and labor roles that included, in part, collective bargaining, grievance processing and arbitrations and MERC

proceedings. He is an active member of the State Bar of Michigan and member of the Labor and Employment Law Section. He currently serves on the Board of Directors of the Association of Labor Relations Agencies (ALRA) and Detroit LERA. Sidney graduated from Wayne State Law School in the top third of his class.

Micki Czerniak has been a MERC Labor Mediator since 1998, and with state government since 1988. Prior to coming to the Bureau, she served as the state's Compensation Specialist with the Department of Civil Service where she managed the Employment Relations Board's Impasse Resolution and Coordinated Compensation Proceedings. Prior to joining state government, Ms. Czerniak was employed by Sachs, Waldman, et al., during which time, she testified as an expert witness on subjects of compensation and benefits in more than 30 Act 312 and other arbitration proceedings. Ms. Czerniak has a B.A. from Michigan State University and an M.A. in Industrial Relations from Wayne State University.

Denise A. Hinneburg has been employed at MERC since 1996. She came to the agency as a Governor's Management Intern and became an Elections Officer in 1998. Prior to joining the Bureau, Denise had experience as a Human Resource Generalist, Academic Advisor and Placement Director. Denise received a B.A. from Michigan State University and a M.A. in Industrial Relations from Wayne State University.

Tracy Marr has been the Mediation Division Secretary in MERC's Lansing Office and provides secretarial support to the Elections functions since August 2015. In 2008, Tracy returned to State service as a Legal Secretary for the MOAHR Administrative Law Judges. In 2013, she became a shared service Legal Secretary with MERC. Before her return to State service, she worked as a Legal Secretary in private practice and as the Office Manager to a family-owned construction business; she still performs the latter responsibility on a part-time basis.

Wanda Mayes is a Labor Mediator working for the past 22 years in the State of Michigan's Department of Labor and Economic Opportunity, Bureau of Employment Relations, and is currently assigned to the Detroit Office. Wanda has over 34 years of experience negotiating labor contracts, grievance settlements, and investigating EEOC complaints. She has mediated hundreds of successful last chance work agreements, grievance settlements and collective bargaining agreements. Her educational background includes a B.S. in Business Administration (1985), an M.A. in Industrial Relations (1998), and a Juris Doctorate (2016), all from Wayne State University. Her labor relations career began in 1988 with the City of Detroit's labor relations division. There she was responsible for negotiating labor contracts, conducting grievance hearings and preparing written responses, advising department human resources officers concerning grievance and contract administration, preparing and presenting arbitration cases before arbitrators and umpires, and coordinating unfair labor practice and election petitions with the Michigan Employment Relations Commission.

Barbara Norris joined the MERC team in 1981; she currently is the longest serving member of the agency's current staff. She functions as Mediation Division Secretary in the Detroit Office. Prior to MERC, she worked in the Wage and Hour Division of the then Department of Labor. Barbara has a degree from George C. Wallace State Junior College & Technical Institute in Selma, Alabama. Barbara has successfully worked alongside five (5) Bureau Directors and nine (9) MERC Chairs during her 40+ years of dedicated public service.

Sharon Peper joined the MERC staff in 2019 with over 25 years of legal experience. Prior to MERC, she worked as a Legal Secretary with the MI Attorney General's office. Before state service, she was a Legal Assistant in private practice. While employed in private practice, she developed a training manual for E-Filing and a training manual for new legal secretaries.

Elizabeth Peters joined MERC in January 2019 as a Labor Mediator after having 38 years prior experience negotiating private and public sector agreements. She began her career as a teacher serving as the President of her local association, President of the Saginaw County Co-ordinated Bargaining Council, Vice President of MEA's Region 11, and the local MEA/NEA representative. After law school, she joined U.S. Steel in Pittsburgh, PA as in-house labor and employment counsel until she was promoted to negotiations and arbitration staff attorney, then as the Employee Relations Manager for two coke works and a steel plant. During the recent 20 years, Elizabeth was in private practice representing employers in various aspects of labor and employment law including ULPs, negotiations, grievance arbitrations, and Act 312 hearings. Elizabeth has a B.S., M.A., and Specialist in Education from Michigan State University and a J.D. from Thomas M. Cooley Law School where she received the President's Award upon graduation. Elizabeth has been a frequent author and creator/presenter of labor and employment law articles and trainings. She is admitted to the Michigan and Pennsylvania Bars and several state, federal district, and federal Circuit Courts of Appeal throughout the U.S.

Ashley Rahrig joined MERC in 2014 and serves a dual role as the agency's Departmental Analyst and Paralegal. Prior to her employment with MERC, Ashley worked as an HR Specialist with Imetris Corporation and as the Lead Paralegal in a firm specializing in family law. In 2009, Ashley earned her B.S. from Eastern Michigan University, majoring in Paralegal Studies, and in 2012, earned her Master of Public Administration (M.P.A) with a concentration in Human Resources from Wayne State University. Ashley is an active member of the Labor and Employment Law Section of the State Bar of Michigan.

Alec Scarlet joined the Bureau in May 2023 as an End User Support Analyst. Alec works on projects involving both MERC and the Wage & Hour Division's case management systems, websites, computer & software acquisition and use, as well as reviewing and recommending new and expanding technology. He also serves as the Bureau's technical liaison working on various initiatives that include troubleshooting problems and improving overall user experience. Prior to joining the Bureau, Alec worked in the private sector as an Onboarding & Support Specialist for a technology company. Alec received a B.A. in Linguistics and a Minor in Computer Science from Wayne State University.

Deborah Stewart joined MERC in 2011 with over 25 years of prior legal experience. She currently serves as Senior Executive Management Assistant to the Bureau Director and providing secretarial and executive support to the Commissioners. She has also held the position of Legal Secretary at MERC and supported a diverse set of functions in the Labor Relations Division and Mediation Division (namely, Act 312 and Fact Finding). Prior to MERC, Deborah worked as Legal Secretary/Paralegal/Assistant Operations Manager at the law firm of Kelley, Casey & Moyer, P.C. There in a multi-faceted role, she developed and implemented a training program, including a manual for incoming legal secretaries. She also assisted in managing various facets of the office administration including IT and employee-related matters.

Carl Wexel works as MERC's Staff Attorney/Administrative Law Specialist and previously served as a Law Clerk with the agency beginning in 2013. Prior to law school, he was Director of Labor Relations for CSX Corporation, where he handled contract negotiations and administration. He also previously served as a Field Examiner for the National Labor Relations Board. He is an active member of the Labor and Employment Law Section of the State Bar of Michigan. Mr. Wexel has a B.A. with High Distinction from the University of Michigan, a Master of Industrial and Labor Relations from Cornell University and a J.D. from Wayne State University.

Richard Ziegler has been a MERC Labor Mediator since 1997. From 1982 to 1997, he worked as a Field Representative/ Business agent for the Fraternal Order of Police, Labor Council/Police Officers Labor Council. From 1968 to 1982, he served as a Police Officer in the cities of Detroit and then Wixom. While working as a police officer, he served in several union positions, including: Executive Board Member of the Detroit Police Officers Association and Secretary and Vice President of the AFSCME police local in Oakland County. Rich has a B.A. in Law Enforcement and Business Administration from Mercy College of Detroit and a M.A. in Industrial Relations from Wayne State University.

Tom Zulch joined the MERC as a Labor Mediator in 2017. Prior to joining MERC, he was Senior Staff Attorney for the Police Officers Labor Council from 2004 through 2017. At POLC he handled legal matters including critical incidents, contract and discipline arbitrations, Act 312, and Fact-Finding cases. Tom was appointed to serve as Commissioner on the Michigan Commission on Law Enforcement Standards. In addition, Tom served as an Attorney for the Detroit Police Officers Association from 1999 to 2004. He was a Public Safety Officer for the City of Berkley from 1987 to 1998, serving as the President of the Berkley Police Officer Association for 6 years. Tom was in the last graduating class from the Detroit College of Law in 1997 prior to it relocating to Michigan State University in Lansing.

MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES (MOAHR)

In 2005, Michigan became the State with the largest centralized hearings panel in the nation with the creation of the State Office of Administrative Hearings and Rules (SOAHR). Subsequently, SOAHR was renamed to the Michigan Administrative Hearing System (MAHS) in 2011, and to the Michigan Office of Administrative Hearings and Rules (MOAHR) in 2019.

The mission of MOAHR is to provide all parties in need of administrative hearings and rules with a timely, professional, sound, and respectful process. Two Administrative Law Judges from MOAHR are assigned to conduct hearings on MERC cases involving unfair labor practice charges and election matters (R and UC petitions).

MOAHR Administrative Law Judges (ALJ)

ALJ David M. Peltz has been hearing cases on behalf of MERC since 2001. Prior to that, he was employed by MERC in the capacity of Legal Specialist to the Commission. Mr. Peltz was previously on the faculty at Michigan State University Law School where he taught Legal Research, Writing, and Advocacy. From 1994 to 1997, ALJ Peltz worked as a Research Attorney with the Michigan Court of Appeals in Detroit. He received a B.A. from the University of Michigan and a J.D. from Wayne State University. Mr. Peltz was a contributor to and assistant

editor of the MERC publication—*A Guide to Public Sector Labor Relations in Michigan*. He has often been a presenter on matters pertaining to public sector labor law to outside organizations, including to the State Bar of Michigan’s Labor & Employment Law Section.

ALJ Travis Calderwood began hearing cases on behalf of MERC in May of 2014. He previously was employed at MERC as an Administrative Law Specialist beginning in 2013, handling matters related to the “Freedom to Work” laws. Prior to joining MERC, Travis was employed at the law firm of Collins & Blaha, P.C. in Farmington Hills, where he represented numerous public school districts in all areas of employment and labor law, as well as in state and federal compliance and regulatory issues. Travis attended Hillsdale College where he earned numerous scholarships and awards and graduated with a B.A. in Political Economy. He received his law degree from Ava Maria School of Law in Ann Arbor, where he was awarded a full tuition scholarship. Travis is a member of the State Bar of Michigan.

MERC FACTS

Agency Services

MERC’s activities are conducted through two separate divisions – the Labor Relations Division and the Mediation Division. The Labor Relations Division assists in resolving unfair labor practice charges (ULPs) and union representation matters (e.g., bargaining unit determinations). The Mediation Division assists with settling contract disputes involving negotiations and grievance violations. Other services provided through MERC include fact finding; compulsory arbitration; grievance arbitrator selection; last offer elections; labor-management committees; and several training modules involving labor management relations.

MERC Mission Statement

The mission of the Michigan Employment Relations Commission is to foster peaceful, cooperative, and effective public and private sector employer-employee relationships by neutral and timely resolution of labor disputes, application of conflict resolution processes and education and training.

MERC History

The Michigan Employment Relations Commission (MERC or the Commission) is an independent agency charged with administering various laws governing labor-management relations throughout the State of Michigan. The Commission is comprised of three members, one of whom is the designated chairperson, appointed for staggered 3-year terms by the Governor with the advice and consent of the Senate. No more than two members may be of one political party. MERC, formerly known as the Michigan Labor Mediation Board, was established in 1939 pursuant to the Labor Relations and Mediation Act (LMA).

MERC administers two principal statutes: the Public Employment Relations Act, Act 336 of 1947 (PERA), and the Labor Mediation Act, Act 179 of 1939 (LMA). These statutes grant collective bargaining rights to public (PERA) and private (LMA) sector employees within the State of Michigan, except for employees in state classified civil service, the federal government, and those within the exclusive jurisdiction of the National Labor Relations Board (NLRB). MERC also

administers the compulsory arbitration process available to municipal police and fire department employees (Act 312 of 1969) as well as to state police troopers and sergeants (Act 17 of 1980).

Commission Chairs from 1960 through 2024:

- Allen D. Chisholm 1960-1962
- Malcolm R. Lovell, Jr. 1963-1964
- Robert Howlett 1965-1975
- Charles Rehmus 1976-1980
- Morris Milmet 1980-1983
- William M. Ellmann 1983-1986
- David S. Tanzman 1986-1991
- Joseph B. Bixler 1991-1993
- Maris Stella Swift 1994-2003
- Honora J. Lynch 2003-2006
- Christine A. Derdarian 2006-2011
- Edward D. Callaghan 2011-2019
- Samuel Bagenstos 2019-2021
- Tinamarie Pappas 2021-present

Bureau Directors from 1971 through 2024:

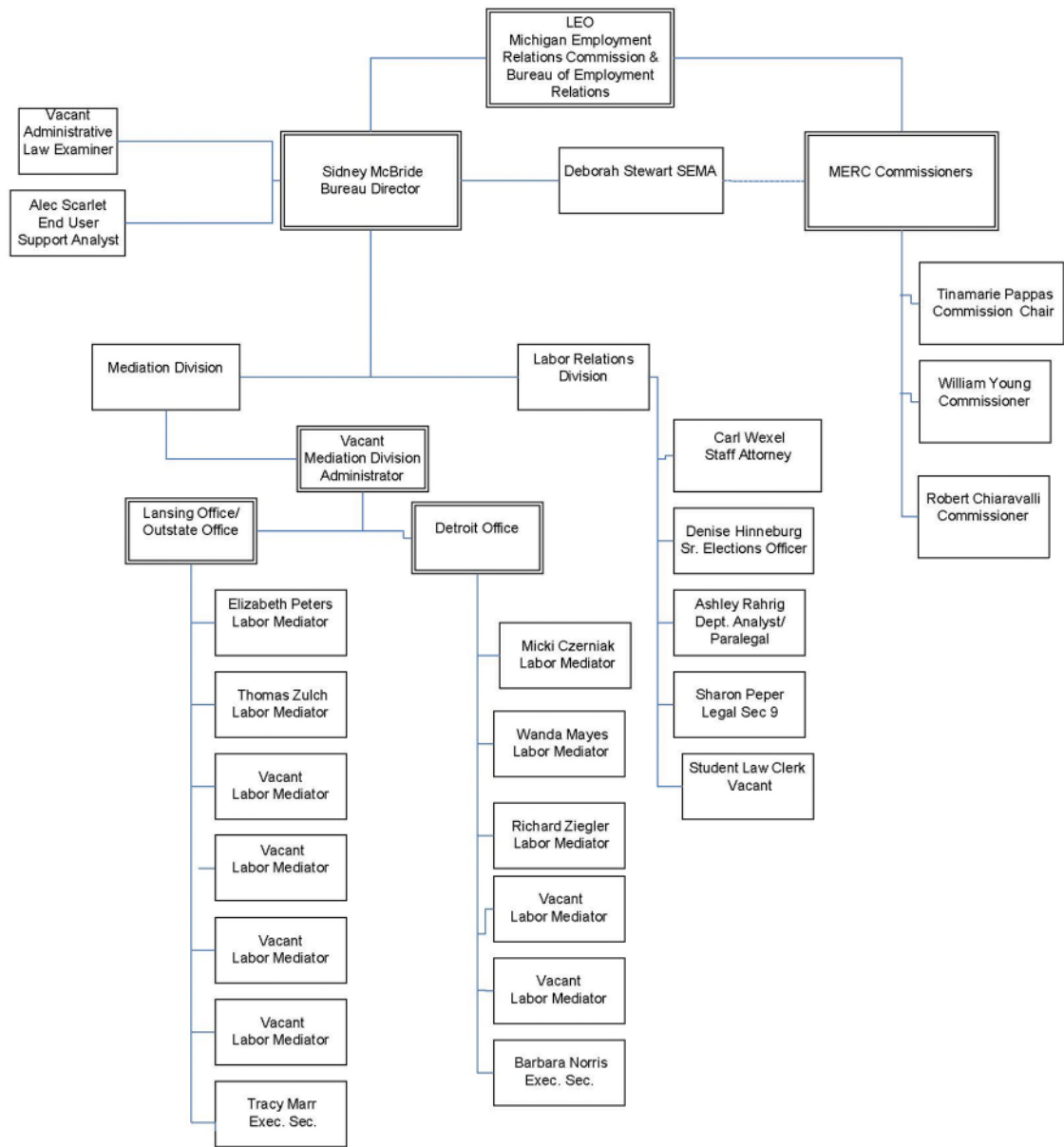
- Hyman Parker 1971-1975
- Robert Pisarski 1975-1980
- Barry Hawthorne, Acting Director 1980-1983
- Shlomo Sperka 1983-1998
- Ruthanne Okun 1998-2020
- Sidney McBride 2020-present

BUREAU OF EMPLOYMENT RELATIONS¹

The Bureau of Employment Relations (Bureau or BER) comprises two separate and distinct agencies—MERC (Employment Relations) and the Wage Hour Division. The Bureau was transferred to the Department of Labor and Economic Opportunity (LEO) on August 11, 2019 under Governor Whitmer’s Executive Order 2019-13. The Employment Relations side of the Bureau serves as the administrative arm of the Commission (MERC).

¹ The Wage and Hour Division (WHD) merged into BER in FY 2016. The two agencies always have operated separate and independent. Each agency maintains separate budgets, personnel, and supervision aside from the oversight of the BER Director. The Commission has no authority or involvement with the operations of the Wage and Hour Division.

MERC Organizational Chart
As of September 30, 2024



STATUTORY OVERVIEW

JURISDICTION AND STATUTORY AUTHORITY

MERC administers the following statutes:

- Public Act 176 of 1939, the Labor Relations and Mediation Act (LMA) – regulates collective bargaining relationships between private sector unions and small private sector employers not falling within the jurisdiction of the National Labor Relations Act.
- Public Act 336 of 1947 as amended, the Public Employment Relations Act (PERA) – grants all public employees within the State of Michigan excluding classified civil service employees of the State and employees of the federal government the right to organize and be represented by labor organizations of their choice and to refrain from such activities.
- Public Act 312 of 1969 as amended by PA 116 of 2011, the Compulsory Arbitration Act (Act 312) – provides for compulsory binding arbitration of labor-management disputes involving public police and fire department employees.
- Public Act 17 of 1980 provides for compulsory binding arbitration of labor-management disputes involving this State and the Michigan State Police Troopers and Sergeants.
- Public Act 171 of 2023 amended Act 312 to extend its coverage to (1) corrections officers employed by a county sheriff's department, and (2) police officers and fire fighters employed by higher education institutions.

KEY LEGISLATIVE CHANGES AND ENACTMENTS

Several legislative changes occurred that impacted PERA, the LMA and Act 312.

January 22, 2024:

Act 312 was amended to extend its coverage to (1) corrections officers employed by a county sheriff's department, and (2) police officers and fire fighters employed by higher education institutions (2023 PA 171)

February 13, 2024:

- Repeal of Freedom to Work legislation in the Private Sector (2023 PA 08);
- Repeal of Freedom to Work legislation in the Public Sector (2023 PA 09). However, there are aspects of PA 9 that do not become effective until the reversal of the US Supreme Court Decision in *Janus v. AFSCME*;
- Repeal of 2011 PA 54 (2023 PA 113). The law changes §15(b) of PERA and eliminates language prohibiting public employers from paying agreed upon increases in wages or benefits during contract expiration;

- Repeal of the prohibition on dues check off in K-12 public schools (2023 PA 114);
- Repeal of several prohibited subjects of bargaining (2023 PA 115).
- Enactment of 2023 PA 143, which permits public school employers to bargain with employees' union over whether they will contract with a third party for noninstructional support services, thereby removing the prior prohibition over bargaining on this issue.
- Enactment of 2023 PA 144, amended Section 164h(1)(d) of the State School Aid Act of 1979 to replace the reference to Section 15(3)(o) of PERA with a reference to section 15(3)(n).

A chart of these legislative changes that is updated regularly and annotated with brief descriptions and references to related MERC decisions is available on the agency's website at www.michigan.gov/merc.

MERC PROCESSES

ELECTION PROCEEDINGS

The Public Employment Relations Act (PERA) provides most public employees in Michigan with the right to organize and be represented by a labor organization of their choice. Section 15 requires a public employer to participate in the collective bargaining process with the employees' chosen representative. The Commission is authorized to conduct the proceedings that determine an exclusive bargaining representative through an election (R petition) or decision (UC petition).

Representation and Unit Clarification Petitions

A petition for election proceedings (R or UC petition) is used to determine a collective bargaining representative, to decertify an existing bargaining representative, or to clarify a position(s) when an employer and labor organization disagree on the placement of a newly created or substantially changed position. Aside from voluntary recognition by an employer, the determination of a bargaining representative can occur by one of three procedures: Consent Election, Commission Directed Election or Unit Clarification. The election petition form has five distinct sub-types to choose from:

- **Certification of Representative (RC)**, used when a group of employees wish to be represented by a union or association or change to a new representative or to accrete historically excluded position(s) into the bargaining unit;
- **Decertification (RD)**, used when a group of employees in a bargaining unit assert that their current representative no longer maintains majority support and they no longer want to be represented by it;
- **Self Determination (SD)**, when a union representing multiple bargaining units under the same employer wants to merge the separate units into a single bargaining unit;
- **Representation (Employer) (RM)**, filed by an employer when multiple labor organizations claim to be the collective bargaining representative of the same unit of employees;
- **Unit Clarification (UC)** used to determine placement of a new or substantially changed position established after a unit has been certified. With a UC petition, the Commission

reviews the record and issues an order resolving the dispute over the placement of the contested position or positions. No balloting or election occurs with a UC petition.

Consent Election or Commission Directed Election

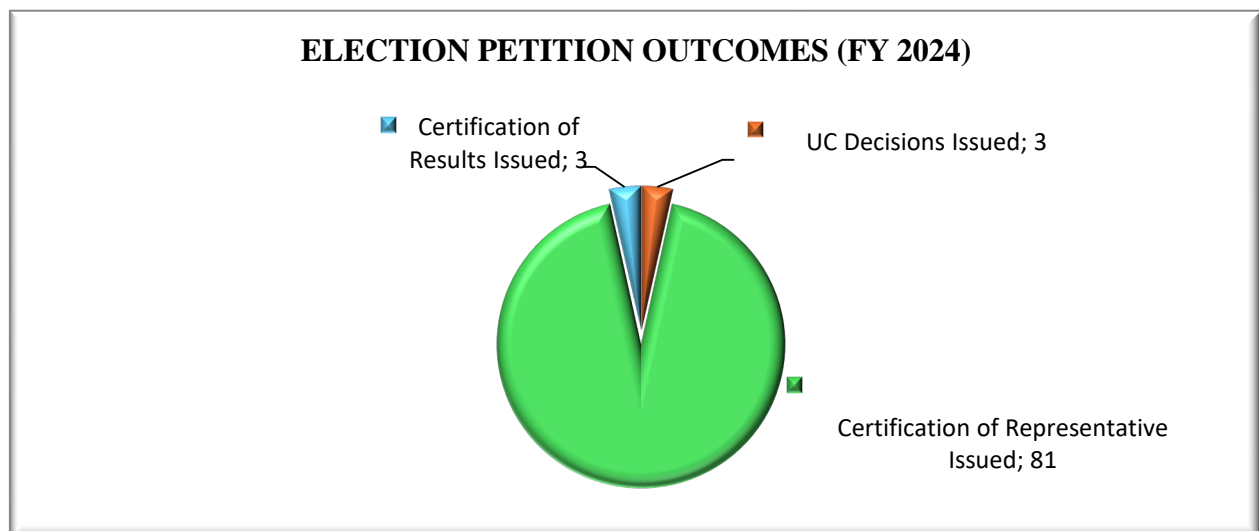
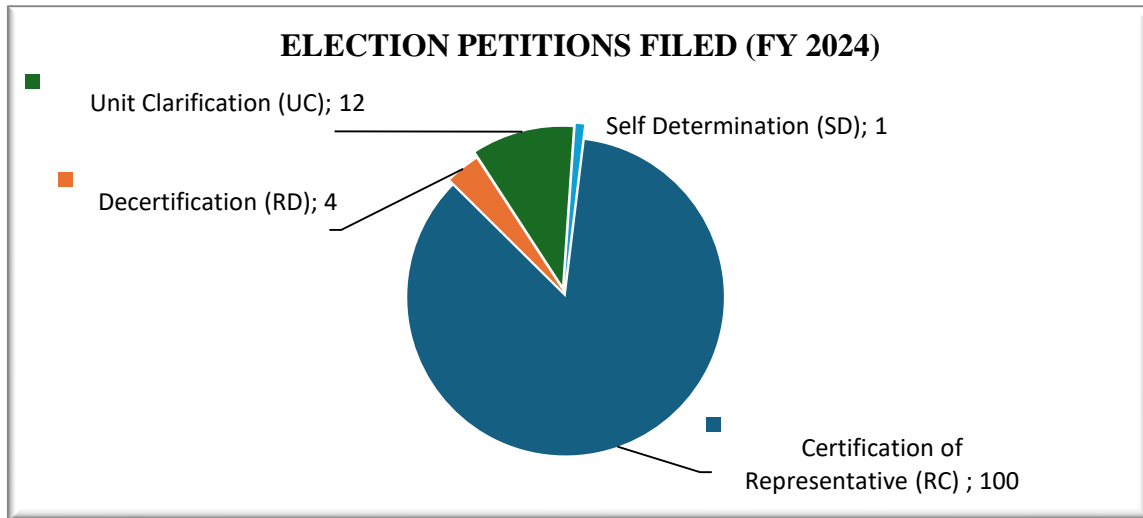
MERC elections (other than UC petitions) are conducted one of two ways—consent of the parties, or Commission order. A Consent Election occurs when the parties mutually authorize MERC to conduct an election. A Commission Directed Election occurs when the parties are unable to consent to an election, and the dispute is referred to an ALJ for a factual and legal determination. Based on those findings, the Commission will order (directs) an election or dismiss the petition.

MERC elections (other than UC petitions) are conducted one of two ways—consent of the parties, or Commission order. A Consent Election occurs when the parties mutually authorize MERC to conduct an election. A Commission Directed Election occurs when the parties are unable to consent to an election, and the dispute is referred to an ALJ for a factual and legal determination. Based on those findings, the Commission will order (directs) an election or dismiss the petition.

ELECTIONS CASE ACTIVITY (FY 2024)										
	R Petitions Filed	UC Petitions Filed	Elections Held	Certification Issued	Refer to VM	Disposed in VM	UC cases referred to ALJ	R cases Referred to ALJ	R Decisions Issued	UC Decisions Issued
October	8	2	12	11	2	2	0	0	0	0
November	7	1	7	9	0	0	0	1	0	0
December	5	0	4	5	0	0	0	0	0	1
January	8	1	3	5	1	0	0	0	0	0
February	13	0	4	2	1	0	0	1	0	0
March	16	1	6	3	0	0	1	0	0	1
April	9	1	13	15	0	0	0	1	0	0
May	7	0	10	11	0	0	0	0	0	0
June	1	1	5	6	1	0	0	0	0	0
July	13	0	2	4	1	0	0	0	1	0
August	11	3	5	2	0	1	0	0	0	1
September	4	2	13	11	0	0	2	0	0	0
Total	102	12	84	84	6	3	3	3	1	3

FY 2024 ELECTION PETITION OUTCOMES

When a labor organization receives a majority of the valid ballots cast in a representation election, the Commission issues a **Certification of Representative** declaring that entity as the exclusive representative of the bargaining unit. If no labor organization receives a majority of the valid ballots cast or the election results in a tie, MERC issues a **Certification of Results** indicating that no exclusive bargaining representative was certified.



UNFAIR LABOR PRACTICES

MERC authority derived from PERA (and the LMA) provides the basis for an aggrieved party to file an unfair labor practice charge (ULP or charge) against an employer (CE case) and/or labor organization (CU case). After a charge is filed and case initiated at MERC, the case is referred to a MOAHR ALJ. The ALJ reviews the filed materials and may request additional information and/ or conduct a formal hearing to make a factual and legal determination on whether the allegations establish a violation of the applicable Act (PERA or LMA). Based on the case record, the ALJ issues a summary order or a written decision and recommended order (DRO). The DRO contains the findings of fact, conclusions of law, reasons for those conclusions, and the ALJ's recommended order for case disposition.

Either party may “appeal” the ALJ’s recommended order to the full Commission. The appeal or “exceptions” are reviewed by the Commission. The Commission issues a final written decision and order that—(i) affirms the ALJ, (ii) reverses the ALJ in whole or in part, or (iii) remands the matter for further factual findings by the ALJ. If no exceptions are filed, the Commission issues a final order that adopts the ALJ’s recommended order.

UNFAIR LABOR PRACTICE CHARGE ACTIVITY — FY 2024

ULP ACTIVITY FY 2024										
	ULPs FILED	VOLUNTARY MEDIATION	REFERRED TO ALJ	RECEIVED FROM ALJ	DROs ISSUED	MERC DECISIONS ISSUED	20 DAY ORDERS ISSUED	CLAIM OF APPEAL FILED	ADM CLOSED	VOL MED DISP
October	7	0	9	8	5	0	0	2	0	1
November	6	1	4	(14) 13	(5) 4	1	0	0	0	0
December	7	0	9	1	1	1	3	1	0	0
January	15	4	8	5	2	1	3	0	0	0
February	11	1	10	0	0	1	1	1	1	0
March	8	0	6	8	2	3	1	0	0	1
April	6	0	9	(9) 10	1	1	1	0	0	1
May	12	3	(10) 13	11	(4) 6	1	4	0	0	0
June	6	1	(5) 4	(8) 9	(4) 5	0	1	0	0	0
July	8	2	(8) 9	(2) 4	(1) 4	0	2	0	0	0
August	10	2	6	3	0	1	1	0	1	0
September	14	1	(10) 11	14	13	2	0	1	1	0
TOTALS	90	15	98	86	43	12	17	5	3	3
MERC Numbers in red										

HIGHLIGHTS OF MERC DECISIONS ISSUED IN FY 2024

During FY 2024, highlights of several noteworthy cases include:

- **Covered By Doctrine:**

University of Michigan (Michigan Medical Center) -and- Michigan Nurses Association, 19-I-1855-CE, issued November 14, 2023. The University reclassified several hundred parking spaces in various parking locations used by bargaining unit employers and others. The effect of the changes would limit the number of employee parking spaces in several lower cost or more convenient parking locations. The Employer refused to bargain over the impact asserting the issue was covered by the current contract. The Union filed a charge over the refusal to bargain and unilateral change. The ALJ recommended charge dismissal. On exceptions, MERC remanded the case to the ALJ for further evidentiary proceedings on the implementation and impact of the changes to the unit employees. On remand, the ALJ concluded the parking changes had a substantial impact on the bargaining unit and the unilateral implementation violated Section 10(1)(e) of PERA. On the post remand exceptions, the Commission upheld the ALJ’s findings and issue a cease-and-desist

order along with other remedial action. **This case is currently pending at the Michigan Court of Appeals (Case No. 368893).**

Board of Education of the Beecher Community School District -and- Beecher Education Support Professional Association, MEA/NEA, 22-C-0620-CE, issued March 12, 2024. The Union filed a charge claiming that the District failed to bargain in good faith over a demand for a \$500 COVID-19 bonus. MERC agreed with the ALJ that the issue of a bonus was “covered by” the contract, and therefore, the District did not violate 10(1)(e). MERC affirmed the dismissal of the charge.

- **Direct Dealing:**

City of Oak Park -and- Police Officers Association of Michigan, MERC Case No. 22-A-0096-CE, issued January 19, 2024. The Union asserted the City engaged in direct dealing when it rehired an employee and credited them with service time that had not been worked. The Union claimed to have first learned of this “private agreement” during a grievance meeting held on January 10, 2022 before filing a charge eight days later. The ALJ concluded that the City engaged in direct dealing and recommended that the City reimburse the Retirement fund for lost contributions and interest for the credited time. The Commission majority agreed with the ALJ and rejected the City’s exceptions. The MERC majority found the charge timely and that the City’s actions violated PERA Sections 10(1)(a) and 10(1)(e). The dissenting Commissioner argued that the charge was untimely and should have been handled under the contractual grievance procedure rather than as a ULP by MERC.

- ***Wyandotte Public Schools -and- Wyandotte Education Administrative Assistants Association MEA/NEA, 22-L-2207-CE, issued February 20, 2024.*** The District and Union were parties to a CBA which contained terms relating to wages and step increases, as well as a five-step salary schedule. The Union became aware that the District hired new employees and placed them at Step 4 of the Class 2 Salary Schedule, and as a result, filed grievances and an unfair labor practice charge. The charge was subsequently amended to assert that the District engaged in direct dealing with bargaining unit members. The Arbitrator denied the grievances. The ALJ found that he was bound by the Arbitrator’s factual determinations and concluded that the District did not violate its duty to bargain under PERA. The ALJ also found no evidence that the District was directly dealing with prospective employees and recommended dismissal of the charge. The Commission found that the agreement covered both the wages to be paid, and the step scale upon which they were to be paid. However, the Commission found the language of the agreement was not unambiguous concerning the placement of new hires, and therefore, there existed a “bona fide” dispute over the meaning and intent of the negotiated language. The Commission found that no repudiation of the agreement occurred. Further, the Commission found that since there was no bargaining obligation, the Employer’s communications with individuals concerning the wage level at which they would be placed upon hire, did not constitute unlawful direct dealing.

- **Duty to Furnish Information:**

City of Detroit -and- Detroit Police Officers Association, MERC Case No. 22-B-0358-CE, issued February 20, 2024. While bargaining for a successor agreement, the Union requested information from the City regarding its healthcare plan and associated costs. The City refused in part, maintaining certain detailed, specific health care information would violate the HIPPA rights of bargaining unit members, and that same information regarding non-unit members was irrelevant. The Union filed a charge alleging a bargaining breach. The ALJ agreed, in part, finding the City violated its bargaining obligation by refusing to provide the information as to the non-bargaining unit members, and failing to negotiate over the scope of the information to be provided. The ALJ, however, concluded no violation occurred from the delay in providing the information nor the City's refusal to provide the more detailed information. The Union filed exceptions to the ALJ's partial charge, to which the Commission found the City in violation of PERA Section 10(1)(e) due to its processing delay and failure to provide the requested information. **This case is currently pending at the Michigan Court of Appeals (Case No. 370018).**

- **Retaliatory Employment Action in Violation of 10(1)(a):**

University of Michigan (Medical Center) -and- AFSCME Council 25, Local 1583 -and- JaJuan Stevenson, 21-H-1581-CE & 22-B-0245-CU, issued March 15, 2024. Charging Party worked as stockkeeper in the specialty carts department of the Employer's Hospital. The position was in a unit represented by the Union. Charging Party alleged, among other things, that he was skipped over for overtime work assignments and that Union did not properly represent him during grievance hearings and retaliated against him for filing grievances. The Commission did not find merit in the exceptions that claimed the ALJ erred by dismissing the case and not providing a fair hearing. MERC instead found the ALJ's actions to be proper and in accordance with the Commission's rules. MERC also agreed that there was no evidence to suggest Charging Party was subjected to discrimination or retaliation for filing grievances. The Commission also addressed, *sua sponte*, the ALJ's assertion that, in *Detroit Pub Sch*, 37 MPER 9 (2023), the Commission held for the first time that an employer's motive or intent is relevant and therefore, a necessary element in the resolution of a charge alleging retaliatory employment action in violation of Section 10(1)(a).

- **Teacher Placement:**

Kalamazoo Education Association, MEA/NEA -and- Kalamazoo Public Schools 21-G-1465-CU, issued April 10, 2024. REMAND from the Court of Appeals. The initial charge was based on the District's notice to a Guidance Counselor employee that upon return from FMLA leave, she would be transferred to a classroom teaching position. The Union grieved the action and sought to arbitrate. The District filed the ULP as violation of the teacher placement prohibited subject. Commission concluded the transfer from Guidance Counselor to Teacher was not a "teacher placement" since the employee had only worked there as a Guidance Counselor, and the Union did not violate Section 10(2)(d) by seeking to arbitrate its grievance. On appeal, the Court of Appeals reversed MERC and reasoned that her classroom placement was a prohibited subject of bargaining under 15(3)(j) because

the matter involved a decision made by the public-school employer regarding teacher placement and remanded the matter to MERC. The Commission remanded the matter back to the ALJ for further testimony on the issues raised by the COA.

- **Protected Concerted Activity:**

City of Dearborn (Fire Department) and Dearborn Fire Fighters, Local 412, International Association of Fire Fighters, 22-C-0811-CE, issued September 13, 2024.

The Union had an established practice of providing commemorative axes and plaques to retiring firefighters at a ceremony on the Employer's premises. One particular year the Union chose not to present an axe to a retiring firefighter who was not a member of the bargaining unit. In response, the Chief prohibited the Union from holding the practice at the firehouse that year. The Union filed a ULP alleging that the Employer violated Section 10(1)(a) and (b) by rescinding the universally granted permission for the Union to present the commemorative memorabilia on Employer property. The ALJ concluded that the gifting of ceremonial axes constituted protected speech and that the Employer unlawfully interfered with, restrained or coerced employees by prohibiting the Union from continuing to gift items to retiring employees. MERC agreed with the ALJ and rejected the Employer's exceptions that the matter more proper for grievance arbitration. In the remedy, MERC ordered a Cease and Desist but not a Return to Status Quo.

Farmington Public Schools -and- Farmington Public Schools Educational Support Professionals, MEA/NEA, -and- Farmington Public Schools Educational Support Professionals, MEA/NEA -and- Farmington Public Schools Transportation Association, MEA/NEA, -and- Farmington Public Schools Maintenance and Cafeteria Association, MEA/NEA, 22-L-2197-CE, issued September 11, 2024.

Each Charging Party represented a separate bargaining unit comprised of employees working within the Farmington Public School District and formed the 7G Coordinating Council (7G Council) to help make collective decisions. The 7G Council chose not to endorse a certain candidate for a Board position (Weems). The Charging Parties alleged that Weems made disparaging remarks to a Local President and made threats of intimidation. The ALJ found Weems statements to be threats of retaliation in violation of 10(1)(a). Due to the chilling effect of Weems threats, the ALJ recommended that the Notice to Employees citing the PERA violation should be read at a Board meeting, and a copy mailed to all affected employees. The Commission agreed with the ALJ's finding of a 10(1)(a) violation because, despite being informed of the threats, neither the Board president nor the School Board disavowed them or clarified that the comments were made in her capacity as a candidate rather than a Board member. As for the Notice, the Commission found that since the goals of PERA could be effectuated by the physical and electronic distribution, mailing the Notice was unnecessary, and reading the Notice at a Board meeting would clarify the Board's accountability for threats made by one of its members.

MERC decisions, including case summaries, are assessable from the agency's website located at www.michigan.gov/merc.

APPELLATE CASE REVIEW

If a party contends the Commission erred in its decision, the matter may be appealed to the state's appellate courts. During FY 2024, some MERC case decisions were on appeal with the following outcomes as of the end of the fiscal year on September 30, 2024:

	MERC Case	COA Case	MI Supreme Ct. Case	OUTCOME
<i>Detroit Public Schools Community District -and- LC Bulger</i>	21-C-0538-CE, issued July 14, 2023	367167		Appellate Decision pending at FY close
<i>Police Officers Association of MI -and- Todd E. Hatfield</i>	CU18 C-005, issued September 28, 2023	368160		Appellate Decision pending at FY close
<i>University of Michigan (Medical Center) -and- Michigan Nurses Association</i>	19-I-1855-CE, issued November 14, 2023	368893		Appellate Decision pending at FY close
<i>City of Detroit -and- Detroit Police Officers Association</i>	22-B-0358-CE, issued February 20, 2024	370018		Appellate Decision pending at FY close
<i>Superior Township Fire Fighters Union, Local 3292, International Association of Fire Fighters -and- Lee Rudowski</i>	21-I-1764-CU, issued March 17, 2023	365650		COA Decision, issued June 20, 2024, affirmed MERC; Application for Leave filed with the MI Supreme Court on August 1, 2024
<i>Kalamazoo Education Association, MEA/NEA -and-</i>	21-G-1465-CU, issued October 11, 2022	363573, COA Majority Decision issued August 10, 2022, reversed	166145	MI Supreme Court Decision, issued January 31, 2024 denied

<i>Kalamazoo Public Schools</i>		MERC's findings and remanded for further proceedings.		Application for Leave to Appeal.
<i>Technical Professional Officeworkers Association of Michigan -and- Daniel Lee Renner</i>	CU18 J-034, Issued December 10, 2019	351991, Issued January 7, 2021, affirmed MERC	162601	MI Supreme Court Decision, issued April 22, 2024, affirmed the COA, affirming MERC

“FREEDOM” (RIGHT) TO WORK (FTW)

In December 2012, Michigan enacted “Freedom (Right) to Work” laws PA 348 and 349 of 2012. Public Act 348 amended the Labor Relations and Mediation Act (LMA) that applies to most private sector employees, while Public Act 349 amended the Public Employment Relations Act (PERA) and applies to most public sector employees. Both laws became effective on March 28, 2013 making it unlawful to require an employee to join a union or pay union dues or agency fees as a condition of obtaining or continuing employment.

Later in 2018, in *Janus v. Am. Fed’n of State, Cty., & Mun. Employees, Council 31*, 138 S. Ct. 2448 (2018), the United States Supreme Court held that public-sector agency-shop arrangements violate the First Amendment of the United States Constitution. Consequently, all public-sector employers and unions, including those initially exempt from FTW under 2012 Act 349, could no longer enter into any agreement that requires employees to join or financially support a union as a condition of obtaining or continuing employment.

On February 13, 2024, Public Acts 8 and 9 of 2023, both became effective. Principally, the new laws will permit the return of union security agreements to be negotiated into the labor contracts between employers and labor organizations in private and public sector workplaces throughout Michigan. Notably, the FTW repeal in the public sector under 2023 PA 09) is conditioned on either the US Supreme Court reversing or limiting aspects of its *Janus* decision, or the enactment of a US Constitutional Amendment.

UNION AUDITS

PERA was first amended in 2014 to require that labor organizations representing public sector employees in the state file an independent audit with MERC. The audit requirement was continued

under 2023 PA 9. Unions must submit audits in pdf format which are posted and accessible for viewing from the website home page at www.michigan.gov/merc.

MEDIATION – CONTRACT AND GRIEVANCE

Mediation Overview

MERC encourages labor and management representatives to use the agency’s experienced Labor Mediators. The staff’s services are available at no cost to the parties. The Labor Mediator’s role as a highly skilled, confidential “neutral party” is to assist parties in settling their outstanding dispute(s) by offering suggestions and recommendations.

- ***Contract Bargaining*** cases (CB) are initiated with MERC near the expiration of an existing bargaining agreement. After case initiation, at any point during negotiations either party may request the assistance of a MERC Labor Mediator. Once assigned, the MERC Labor Mediator will work with the parties toward resolution. In certain circumstances (especially when there is a threat of a work stoppage), the Commission will initiate a CB case and invoke the mediation process to help expedite resolution of a critical time sensitive workplace dispute.
- ***Grievance Mediation*** cases (GM) utilize a skilled MERC Labor Mediator to assist the parties in reaching an acceptable resolution to a pending grievance dispute and avoid grievance arbitration (if available). Either party may initiate a grievance mediation case (GM) in the MERC e-file system. Unlike CB cases, GM cases require consent from the Union and Employer representatives in the form of an existing contractual provision and other written consent. Once a GM case is initiated, a MERC Labor Mediator is assigned and will contact the parties. The process is designed for expedited resolution, often with a meeting being held within 14 days of case initiation. Settlement of the grievance is solely within the control of the parties. The Labor Mediator is present to actively “engage” the discussion process using joint and separate caucuses. The process is non-binding and confidential. If resolution is reached, it becomes binding and settles the dispute.

Mediation cases (CB and GM) are initiated by party representatives from the agency’s website using the MERC e-File system. (Traditional filing methods of mail, fax and email can also be used for now but is subject to change in future years. Refer to the electronic Filing Policy on the website to ensure the necessary steps are followed.) Requests for a Labor Mediator can be made via email to merc-mediation@michigan.gov or by contacting any MERC Labor Mediator. A more detailed description of the agency’s mediation processes is found in the “Guide to Public Sector Labor Relations” located on the MERC website under the “Publications” tab.

MEDIATION ACTIVITY — FY 2024

FISCAL YEAR MEDIATION ACTIVITY - FY 2024								
MONTH	NEGOTIATIONS NOTICES FILED	CONTRACT MEDIATION REQUESTS	CONTRACT MEDIATION CONFERENCES	CB CASES SETTLED IN MEDIATION	GRIEVANCE MEDIATION REQUESTS	GRIEVANCE MEDIATION CONFERENCES	GM CASES SETTLED IN MEDIATION	WORK STOPPAGE NOTICES
October	123	21	53	7	3	14	6	0
November	58	35	39	8	21	14	11	0
December	66	13	29	27	5	9	12	0
January	171	30	37	8	23	12	3	0
February	242	18	27	7	16	19	18	0
March	148	11	24	15	13	24	16	0
April	172	11	27	19	15	12	13	1
May	125	16	40	4	9	12	13	0
June	117	15	40	10	7	7	6	2
July	89	33	28	8	16	18	15	0
August	110	19	25	7	13	13	15	0
September	107	14	38	10	13	13	14	2
TOTALS	1567	236	407	130	154	167	142	5

CONTRACT BARGAINING (CB) CASES—HEARING STAGE (Fact Finding & Act 312 Arbitration)

In public sector collective bargaining, the parties are prohibited from undertaking self-help remedies such as strikes or lockouts (work stoppages). Instead, a special type hearing can be requested where a 3rd party neutral (not the mediator) hears and reviews information related to the outstanding disputed issues. Generally, if a ratified bargaining agreement has not resulted following the mediation process, either party may initiate the hearing stage of an existing CB case by filing a fact-finding petition, or, if eligible, an Act 312 petition. A neutral person (fact finder or Act 312 arbitrator) is appointed by the Commission to conduct hearings and issue a written ruling that seeks to resolve the disputed issues and complete the labor contract. The written ruling is a non-binding recommendation in the Fact-Finding process or a binding award in the Act 312 Arbitration process.

Fact-Finding

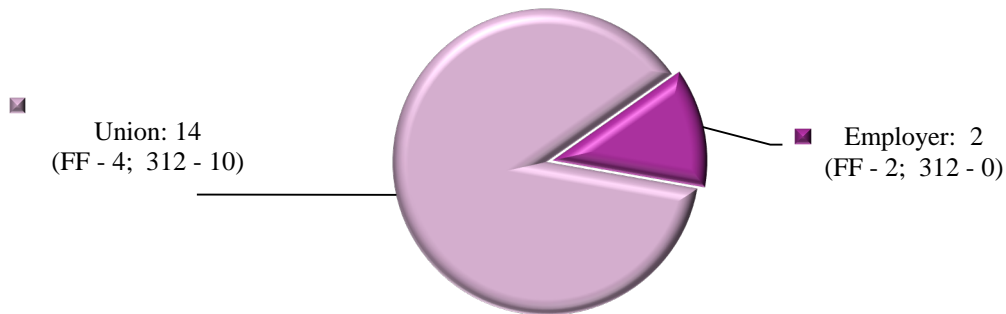
MERC fact-finding process is available to public sector employers and employees subject to PERA who are not eligible for compulsory arbitration under Act 312. Although the recommendation of a fact finder is not binding, it is helpful as the parties return to negotiations to resolve their differences and, hopefully, reach contract resolution. Since labor strikes in the public sector are prohibited under PERA, fact-finding is a dispute resolution procedure available to eligible public sector employees during the course of mediation, with the parties typically returning to mediation following receipt of the fact-finding recommendation for settlement. The fact finder's recommendation serves as a basis to help resolve the issues with further assistance of a mediator.

Compulsory Arbitration

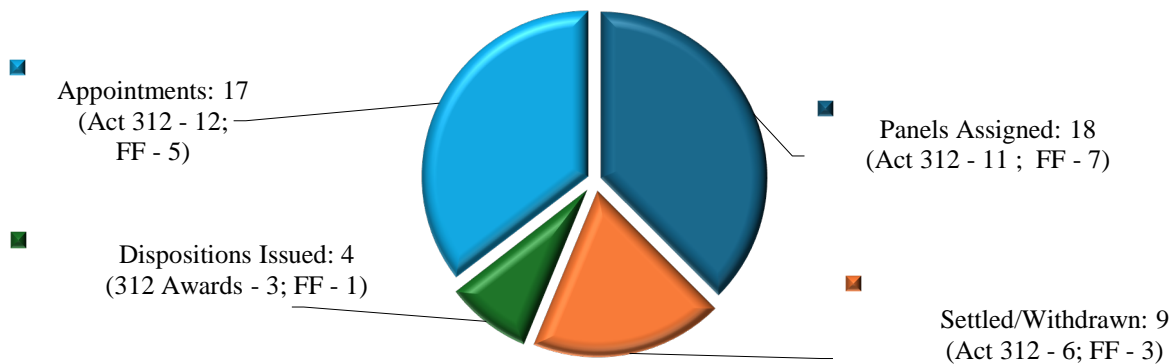
In 1969, the Michigan Legislature enacted Act 312 to provide certain employees of municipal

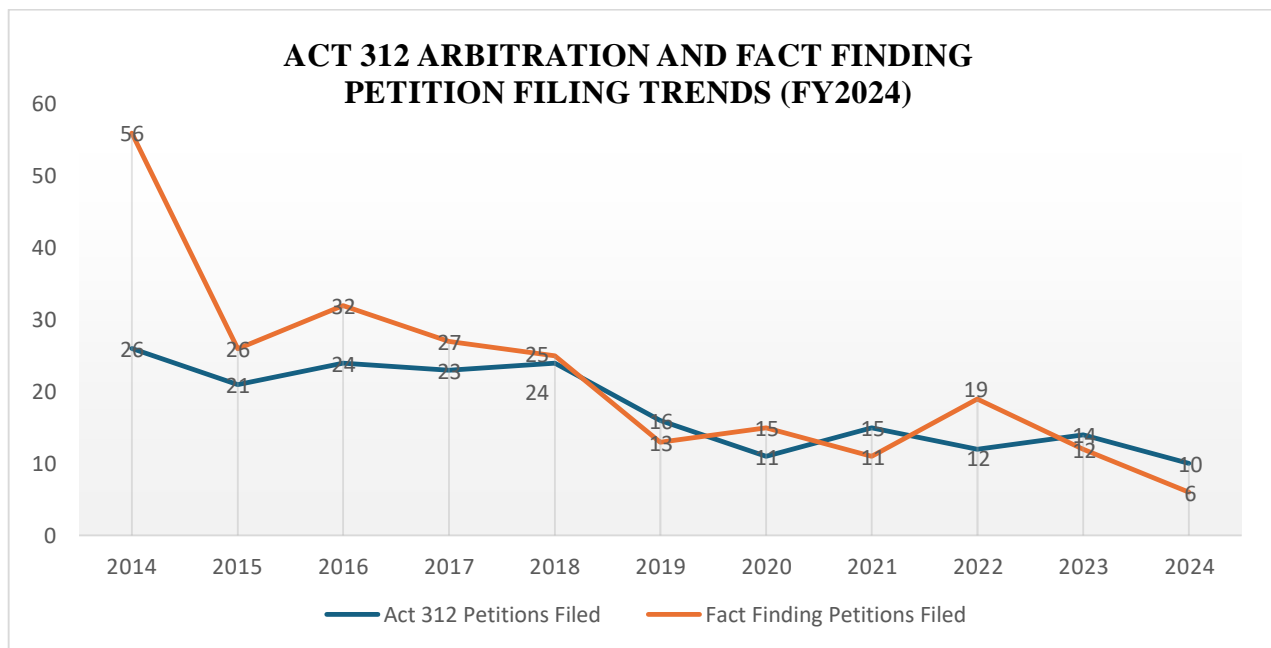
police and fire departments a binding procedure for resolving negotiations over a labor contract. In 2011, the Act was further amended to expedite the process. Employees covered by Act 312 include: police officers, firefighters, emergency medical personnel as well as emergency telephone operators employed by a municipal police or fire department or certain authorities, districts or boards created by these local units of government. Act 17 of 1980 provides similar binding arbitration for state police troopers and sergeants. The ruling of the 312 Arbitrator is binding on the parties and resolves the labor contract dispute without further bargaining or mediation assistance.

FACT FINDING & ACT 312 PETITIONS FILED (FY 2024)



FACT FINDING & ACT 312 ACTIVITY (FY 2024)

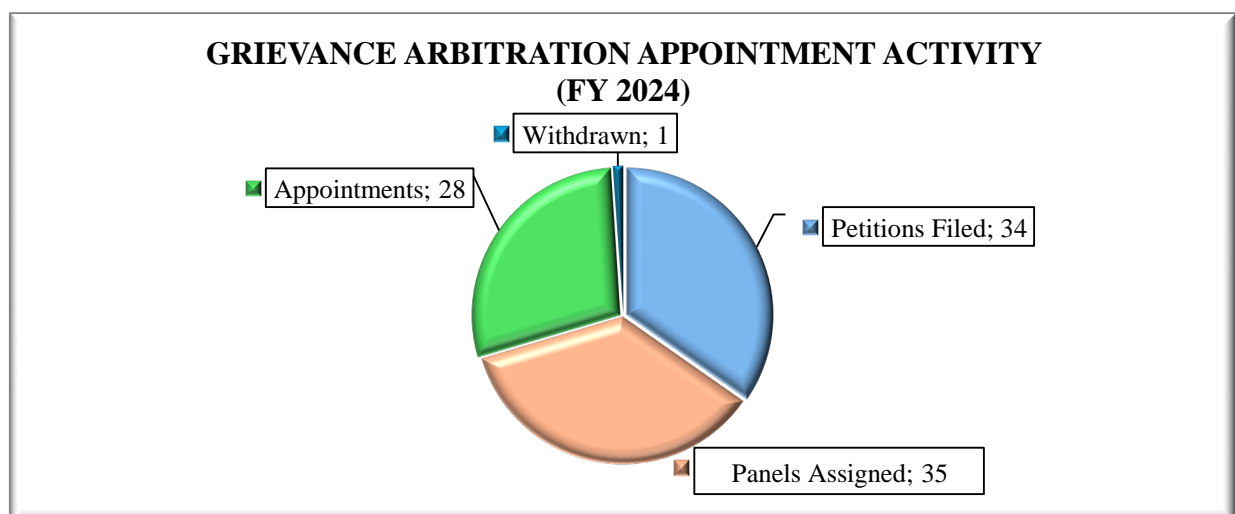




GRIEVANCE ARBITRATION

Pursuant to the authority under the LMA to aid in the resolution of labor disputes in the public and private employer sectors, MERC can appoint a skilled arbitrator to help resolve an ongoing grievance involving an alleged contract violation. Parties can use this service based a provision in their existing labor agreement or by collateral written consent. MERC’s role is solely limited to the appointment of the grievance arbitrator and there is no charge for MERC’s service. The cost of the arbitration (arbitrator costs, etc.) are paid by the parties. MERC does not enforce, vacate, or maintain grievance arbitration awards and will not collect or enforce payment of fees.

Grievance Arbitration Appointment activity during FY 2024 was:



MERC OUTREACH TRAINING MODULES

The Mediation Division offers several outreach training programs at no charge to union and employer groups using separate or joint training sessions:

MERC Basics and MERC Beyond the Basics	Collaborative Bargaining (Interest Based Bargaining)	Interest Based Problem Solving (non-CBA)	Labor Management Committees	Collective Bargaining Basics	Grievance Processing & Contract Administration Basics
<ul style="list-style-type: none"> • Provides a summary review of MERC's authority & processes under PERA, LMA, Act 312. • Tailored to specific groups to focus on areas of most interest to those in attendance. 	<ul style="list-style-type: none"> • Promotes a less adversarial approach to collective bargaining and contract negotiations. • Intended to avoid situations where one party wins and one loses. • Process focuses on open discussions, free exchange of information, an examination of issues, interests, and mutual concerns. 	<ul style="list-style-type: none"> • This program is typically presented along with training in the establishment of a labor-management committee to enhance communication and resolving workplace issues. • This training is often done in conjunction or as a precursor to the Labor Management Committee training and facilitation. 	<ul style="list-style-type: none"> • Often used as the catalyst for strengthening the workplace relationship between labor and management. • Provide an ongoing means for workplace disputes to be prevented or resolved earlier on. • MERC training and facilitation will help parties understand the underlying principles and methods necessary for setting up a productive labor management committee. 	<ul style="list-style-type: none"> • Provides a summary review of the goals and objectives in the collective bargaining process. • Focuses on key principles of bargaining process to reach a tentative agreement and ratification. 	<ul style="list-style-type: none"> • Provides a summary review of the goals and objectives in the grievance process. • Also focuses on key principles of contract administration and steps in the grievance procedure of a collective bargaining agreement. • Mock grievances and hands on simulations are often included in the training.

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OTHER FY 2024 HIGHLIGHTS

VOLUNTARY MEDIATION PROGRAM

Under the Voluntary Mediation program, which started in FY 2022, parties involved in unfair labor practice charges or election petitions can choose to mediate with a MERC Labor Mediator. If all parties agree, the mediator conducts virtual sessions to resolve the dispute or help reach consent to conduct a representation election. If mediation is declined or unsuccessful, the case proceeds to the MOAHR ALJ for further processing.

By the close of FY 2024, 20% of ULP & Elections cases that opted to participate in the Voluntary Mediation program reached disposition and eliminated the need for ALJ assistance.

BUDGET

The authorized budget appropriation for the agency during FY 2024 was \$4.25M for 14.5 FTEs as well as regular reimbursements to other supporting SOM agencies such as MOAHR for ALJ hearings on MERC cases, Attorney General for legal assistance and DTMB for IT related functions provided to the agency.

STAFF DEPARTURES & ADDITIONS

- **D. Lynn Morison** – After 34 years of State service, MERC Administrative Law Examiner D. Lynn Morison retired on May 17, 2024. Lynn had been a member of MERC’s legal staff since 2001, served a 3-year term as a gubernatorial appointee to the UIAC, and a former staff attorney with the Michigan Employment Security Review Board.



Lynn (center) receiving Achievement of Excellent Honorariums from LEO Executive Director Susan Corbin (right) and BER Director McBride (left).

- **Robert Strassberg** – Labor Mediator Bob Strassberg retired from State service on January 1, 2024, after 29 years with MERC. During his time at MERC, Bob served as a MERC Labor Mediator for 17 years, and previously headed the agency’s Election’s Unit for 12 years.
- **David Underwood** - Joined the MERC staff on September 30, 2024 as the agency’s newest Labor Mediator. Although new to MERC, David is no stranger to labor relations activity. He has 16 years of State of Michigan service where he represented the Office of the State Employer in collective bargaining and grievance proceedings involving the labor unions that represent various state employee bargaining units.

ON THE LIGHTER SIDE

STAFF LUNCHEON

MERC Commissioners and MERC staff were able to celebrate together on June 11th at Sindbad’s Restaurant in Detroit, MI for the annual staff appreciation luncheon. During the event Service Awards were presented to staff with service years ranging from 40+ to the 13 months. State of Michigan Coins were also issued to 3 attendees.

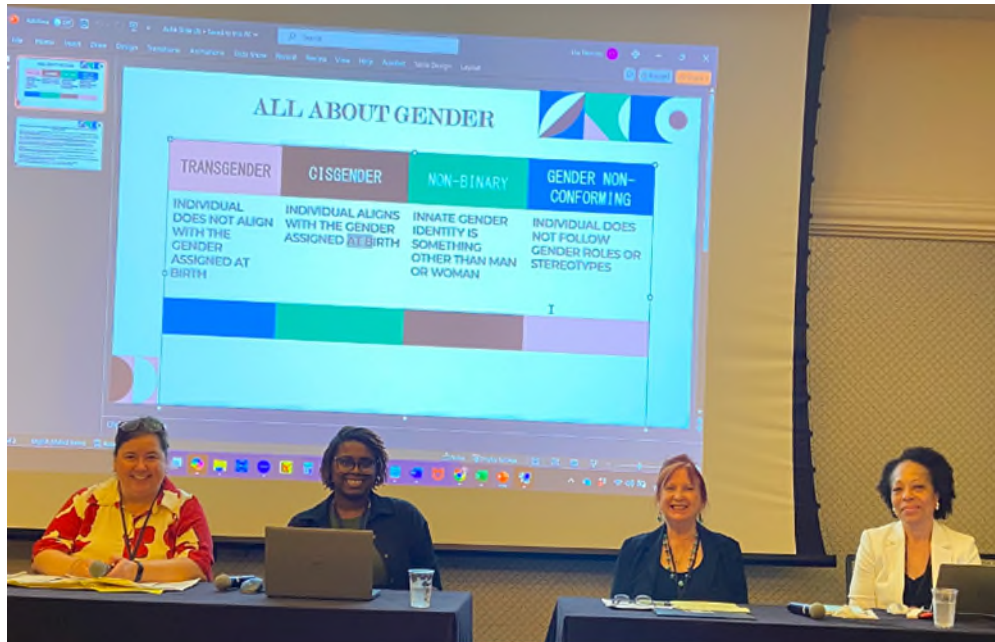


DETROIT ALRA CONFERENCE

The agency hosted the 72nd Annual Conference of the Association of Labor Relations Agencies (ALRA) in Detroit's Greektown in late July 2024. The international event which focused on the processes, cases, concerns and best practices used by labor relations attendees from across the USA and Canada. Key topics common to many of the jurisdictions related to—(i) meeting the diverse needs of multiple generations of workers; (ii) expanding the use of workplace technology including AI and ChatGPT, (iii) faster case dispositions with fewer resources and (iv) gender identity issues in collective bargaining. One special day—"Advocates' Day" invited local representatives to participate in a full day focused on current day issues experienced by local unions, employers and workers. Advocates' Day presenters and attendees comprised of well-respected industry practitioners from various national organizations such as the NLRB, FLRA USW International and National AFL-CIO. The bulk of the Advocates' Day attendees and presenters comprised a cross section of local labor and management representatives from noted organizations such as-- Miller Johnson Law, Clark Hill Law, Thrun Law, Miller Cohen Law, White Schneider Law, Michigan Nurses Association, Michigan Education Association, American Federation of Teachers, IBEW Local 58, Michigan Association of Police, MRCC/Carpenters Local 687, Teamsters Local 214, Teamsters Local 243, SEIU Local 517, UM House Officers Assoc., United Steel Workers, Walter Reuther Library, MSU Law School and MI Attorney General's Office. Some photos from the event provided below.









WEBSITE RESOURCE MATERIALS & CONTACT INFORMATION

RESOURCE MATERIALS/FORMS

- MERC Homepage
- MERC & Court Decisions Affecting Act 312 and Fact Finding
- MERC Case Decisions
- MERC Decisions Pending before the Michigan Court of Appeals
- MERC Decisions Pending before the Michigan Supreme Court
- MERC Elections Certifications
- MERC Annual Reports
- MERC Forms
- MERC Guide, Rules, Policies and Statutes
- Chart of Recent Significant Legislative Changes Impacting Collective Bargaining
- MERC Panel Members (Act 312 Arbitrators, Fact Finders and Grievance Arbitrators)
- Union Audit Filings
- BER/MERC Offices
- “What’s New” link with new and significant agency information
- LEO FOIA Requests

CASE DECISION ACCESS

- The **MERC Website** has diligently sought to improve the public's access to MERC decisions. Case searches may be conducted by year and month by clicking on the "1998-present MERC Commission Decisions Issued" link on the "MERC Decisions" page at www.michigan.gov/merc. Decisions on cases initiated in MERC e-File may be accessed by searching for the specific case, locating the event filing "MERC Decision Issued" and locating the associated attachment.
- The **Library of Michigan** houses scanned MERC Decisions dating back to the first decision, dated August 16, 1965. These older MERC decisions are available, compliments of the Library of Michigan, on the Governing Michigan web site, accessed via a link on the "MERC Decisions" section of the MERC webpage.

OFFICE LOCATIONS

<p>Cadillac Place (Detroit) 3026 West Grand Blvd, Ste. 2-750 P.O. Box 02988 Detroit, MI 48202-2988 313-456-3510 313-456-3511 (fax) E-mail: berinfo@michigan.gov Office visits by appointment only</p>	<p>Mason Bldg. (Lansing) (Staff Only) 530 W. Allegan 2nd Floor, Mason Bldg., Lansing, MI 48909 (Send All Filings, Mail and Faxes to the Detroit Office)</p>
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