

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

In the Matter of:

WAYNE COUNTY COMMISSION, PARKS DIVISION,
Public Employer-Respondent,

-and-

CHRISTINA SNOWDEN,
An Individual Charging Party.

Case No. C15 F-083
Docket No. 15-040855-MERC

APPEARANCES:

Christina Snowden, appearing on her own behalf

DECISION AND ORDER

On August 6, 2015, Administrative Law Judge David M. Peltz issued his Decision and Recommended Order in the above matter finding that Respondent did not violate Section 10 of the Public Employment Relations Act, 1965 PA 379, as amended, and recommending that the Commission dismiss the charges and complaint.

The Decision and Recommended Order of the Administrative Law Judge was served on the interested parties in accord with Section 16 of the Act.

The parties have had an opportunity to review the Decision and Recommended Order for a period of at least 20 days from the date of service and no exceptions have been filed by either of the parties.

ORDER

Pursuant to Section 16 of the Act, the Commission adopts the recommended order of the Administrative Law Judge as its final order.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

/s/
Edward D. Callaghan, Commission Chair

/s/
Robert S. LaBrant, Commission Member

/s/
Natalie P. Yaw, Commission Member

Dated: September 30, 2015

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
EMPLOYMENT RELATIONS COMMISSION**

In the Matter of:

WAYNE COUNTY COMMISSION, PARKS DIVISION,
Respondent-Public Employer,

Case No. C15 F-083
Docket No. 15-040855-MERC

-and-

CHRISTINA SNOWDEN,
An Individual Charging Party.

APPEARANCES:

Christina Snowden, appearing on her own behalf

DECISION AND RECOMMENDED ORDER
OF ADMINISTRATIVE LAW JUDGE
ON SUMMARY DISPOSITION

This case arises from an unfair labor practice charge filed on June 22, 2015, by Christina Snowden against her Employer, Wayne County Commission, Parks Division. Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, the charge was assigned to David M. Peltz, Administrative Law Judge (ALJ) of the Michigan Administrative Hearing System (MAHS), acting on behalf of the Michigan Employment Relations Commission (MERC).

The charge alleges that the Wayne County Commission, Parks Division, violated PERA by terminating Snowden without cause and without the presence of a Union representative. In an order issued on June 30, 2015, I directed Charging Party to show cause why the charge against the Employer should not be dismissed for failure to state a claim upon which relief could be granted under PERA.¹ Snowden's response was due in a Commission office by the close of business on July 21, 2015. To date, no response has been received, nor has Charging Party requested an extension of time in which to file such a response.

¹ Snowden also filed a charge against her labor organization, AFSCME Local 101 (Case No. CU15 F-020; Docket No. 15-040856-MERC). On June 30, 2015, I issued an order directing AFSCME to file a position statement addressing the allegations set forth by Snowden against the Union. The Union failed to respond to that order and, as a result, that matter will proceed to an evidentiary hearing. However, because I am recommending dismissal of Snowden's charge against the Wayne County Commission, Parks Division, I cannot order any remedy with respect to the Employer, including reinstatement of employment.

Discussion and Conclusions of Law:

Pursuant to Rule 1513(1), R 792.11513, of the MAHS Administrative Hearing Rules, the ALJ may “on his or her own initiative or on a motion by any party, order dismissal of a charge or issue a ruling in favor of the charging party.” Among the various grounds for summary dismissal of a charge is the failure by the charging party to “respond to a dispositive motion or a show cause order.” Rule 1513(2)(h). See also *Detroit Federation of Teachers*, 21 MPER 3 (2008) (the failure of a charging party to respond to an order to show cause may, in and of itself, warrant dismissal of the charge). In any event, accepting all of the allegations in the charge as true, dismissal of the charge on summary disposition is warranted.

With respect to public employers, PERA does not prohibit all types of discrimination or unfair treatment, nor does the Act provide a remedy for an employer’s breach of a collective bargaining agreement. The Commission’s jurisdiction with respect to claims brought by individual employees against public employers is limited to determining whether the employer interfered with, restrained, and/or coerced a public employee with respect to his or her right to engage in union or other concerted activities protected by PERA. The charge against Wayne County Commission, Parks Division, does not provide a factual basis which would support a finding that Snowden was subjected to discrimination or retaliation for engaging in protected activities in violation of the Act. With respect to Charging Party’s contention that she was terminated without the presence of a Union representative, it is well established under PERA that an employee has no right to union representation at a meeting held solely for the purpose of informing the employee of, and acting upon, a previously made disciplinary decision. See e.g. *City of Kalamazoo*, 1996 MERC Lab Op 556, 562.

Despite having been given a full and fair opportunity to do so, Charging Party has failed to set forth any factually supported allegation which, if true, would establish that Respondent Wayne County Commission, Parks Division, violated PERA. Accordingly, I conclude that the charge against the Employer in Case No. C15 F-083; Docket No. 15-040855-MERC, must be dismissed.

RECOMMENDED ORDER

The unfair labor practice charge filed by Christina Snowden against Wayne County Commission, Parks Division, in Case No. C15 F-083; Docket No. 15-040855-MERC, is hereby dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

David M. Peltz
Administrative Law Judge
Michigan Administrative Hearing System

Dated: August 6, 2015