

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

FISCAL YEAR 2023
ANNUAL REPORT
(October 1, 2022 through September 30, 2023)



Prepared by BER Staff
MERC Adopted: November 14, 2023
Web Launched: December 6, 2023

INTRODUCTION

Message from the Commission and Bureau Director

- Chair Pappas 4
- Commissioner Young5
- Commissioner Chiaravalli.....5
- Director McBride.....6

Biographical Summaries

- MERC Commissioners & MERC Staff.....6
- MOAHR ALJs & Case Activity10

MERC Facts

- Agency Services.....11
- Mission Statement.....12
- MERC History..... 12
- Bureau of Employment Relations.....13
- Organizational Chart.....13

STATUTORY OVERVIEW

- Jurisdiction & Statutory Authority.....14
- Key Legislative Changes and Enactments.....14

MERC PROCESSES

Labor Relations Division:

- Elections.....15
- Unfair Labor Practices..... 17
- Highlights of MERC Decisions in FY 2023..... 18
- Appellate Case Review.....20
- Freedom (Right) to Work (FTW)21
- Union Audits.....21

Mediation Division:

- Contract & Grievance Mediation.....22
- Contract Bargaining Cases--Hearing Stage
(Fact Finding and Act 312 Arbitration)23
- Grievance Arbitration Appointments.....25
- Constituent Training Programs.....26

OTHER FY 2023 HIGHLIGHTS

- Voluntary Mediation.....26
- Legislative Activity.....27
- Budget27
- Staff Departures & Promotions.....27
- On The Lighter Side.....28

WEBSITE RESOURCE MATERIALS & CONTACT INFORMATION

- Resource Materials/Forms28
- Case Decision Access29
- Office Locations.....29

INTRODUCTION

MESSAGE FROM COMMISSION CHAIR PAPPAS

It is with great pride and pleasure that I introduce the Michigan Employment Relations Commission's 2023 annual report. In June of this year, I began my second term as Chairperson of the Commission. Serving as Chair is both an honor and a most fulfilling professional endeavor. Since my original appointment to the Commission by Governor Whitmer in August 2020, 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. This year, Commissioner Young and I took great pleasure in welcoming to the Commission, Robert Chiaravalli, a consummate professional who brings with him a wealth of experience in the labor-relations arena.

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

The FY 2023 Report catalogues the significant work done by MERC this past year. Our mediators successfully resolved dozens of contract disputes. Many unfair labor practice charges and representation cases were heard and decided by MOAHR Administrative Law Judges, and the appeals of those matters were ruled upon by our Commission. We have continued to expand the use of electronic filing, and, this past year, implemented an option for the use of electronic authorization cards for submission with representation petitions. Through our voluntary mediation program initiated in October 2021, we have continued to assist parties in successfully and expeditiously resolving both unfair labor practice charges and disputed representation case matters, short of formal litigation. In addition to live streaming our monthly Commission meetings for all members of the public, we have recently utilized, on a pilot basis, a virtual platform for contract mediation proceedings, to afford involved parties and unit employees the opportunity to view this process first-hand.

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 are the 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. To be sure, the 2024 fiscal year may bring with it changes to the dynamics of the collective bargaining process when these statutory amendments take effect and the current scope of bargainable subjects is expanded. But, as always, the BER will be ready to interpret and apply these amendments to the cases coming before us for all affected parties, and to assist in efficiently resolving labor disputes brought on by changes in the law.

My commitment, as always, is to ensure that MERC continues to enforce 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 Commissioner with MERC was most rewarding. I am grateful for the opportunity to serve the Michigan labor community and am most thankful to Governor Whitmer, who reappointed me for a full three-year term. I am proud of what has been accomplished by the Bureau of Employment Relations in the past year. Our work on the Commission was strengthened by the addition of Robert Chiaravalli by the Governor to fill the third seat on the Commission. Robert brings his wealth of experience to our deliberations and he is a welcome addition to the Commission.

The Commission has continued to refine the means to allow citizens to virtually attend Commission meetings, which I hope will allow greater access to those meetings and a more significant opportunity 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 further 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.

I continue to be truly impressed by the dedication and effort of the director and staff of the Bureau of Employment Relations. Our staff have faced significant challenges, but have risen to the occasion to provide outstanding service to our constituents. Their commitment to serve the goals of the agency and the labor community has been an inspiration. In my thirty-plus years of advocacy as a labor attorney, it was my belief that a healthy labor relations environment is in the best interest of all residents of this great State; I commit to working to face the challenges confronting those who are served by the Bureau of Employment Relations.

MESSAGE FROM COMMISSIONER CHIARAVALLI

I began my appointment on June 11, 2023, and I have experienced a very warm welcome from Chair Pappas and Commissioner Young, as well as Director McBride and his staff. I have also seen firsthand how the interests of Michigan citizens, unions and employers are protected and judged in a serious, competent, and unbiased way. Chair Pappas has appropriately balanced the requirement to implement the law whereby justice is done and efficiency in managing the docket are both achieved. I echo the comments by both Chair Pappas, Commissioner Young, and Director McBride that the skillful work of MERC Mediators and staff have served our State and provided an important avenue for settling disputes and serving justice. Mediation is a very effective way to settle disputes fairly and provide answers quickly. Lastly, MERC is no different than any other organization in effectively overcoming the challenges of the Covid epidemic, and it appears to me that they have done it very effectively.

Thank you, Governor Whitmer, for the opportunity to serve the State of Michigan. And of course, I am enormously grateful to my fellow Commissioners, Director McBride, and the Bureau staff for the work they do.

MESSAGE FROM DIRECTOR MCBRIDE

As we end another fiscal operating year alongside COVID 19, I am very pleased that the MERC staff and Commissioners have continuously provided the highest quality public service during these 12 months. During this time, we all have learned to function better notwithstanding the latent effects of the 2020 pandemic. Important too, we have made advancements in so many areas. In the preceding comments, the Commissioners touched on several accomplishments that have occurred during FY 2023. Their comments along with the content of this annual report exemplify the critical importance of the work and service that this agency provides to help “foster workplace peace” in those areas that fall under our jurisdiction. For the incoming fiscal year, it is our commitment to build on the successes of FY 2023 and strive to obtain even better and faster outcomes, where possible. We collectively thank the LEO leadership, especially Director Susan Corbin and Deputy Director Sean Egan for their continued support and ever-expanding vision of the public service model that this agency can offer to parties, constituents and citizens. Most of all, we thank each of you for your confidence in seeking our team’s assistance in enhancing the relationships between management, labor and workers in public and private sector workplaces throughout this State.

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 where she worked 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 was reappointed during FY 2023 with a new term that 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 was reappointed in FY 2022 with a new term that expires on June 30, 2025.

MERC COMMISSIONER ROBERT CHIARAVALLI

Robert Chiaravalli (Waterford, Michigan) was appointed as the newest MERC Commissioner on June 11, 2023 by Governor Whitmer. He, a practicing labor and employment attorney, 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 current President of the Detroit LERA Chapter and as Regional Vice President of the national LERA. Bob is no stranger to this agency and until recently was a member of MERC's roster of Fact Finders and Grievance Arbitrators. Commissioner Chiaravalli's term expires on June 30, 2024.

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.

D. Lynn Morison currently serves as an Administrative Law Examiner with the Bureau of Employment Relations. On August 1, 2022, Lynn elected to return to the Bureau, following the expiration of her 3 year term as a gubernatorial appointee to the Unemployment Insurance Appeals Commission (UIAC). Prior to her UIAC appointment in 2019, she had been a member of the Bureau's legal staff since 2001. Prior to MERC, Lynn served as a staff attorney for the Michigan Employment Security Board of Review—the predecessor entity to the UIAC). Before State employment, Lynn was a faculty member of Michigan State University where she taught business law and published two articles on labor law topics. She is a Fellow of the College of Labor and Employment Lawyers and a Fellow of the American Bar Foundation. She is a member of the Labor and Employment Law Section of the American Bar Association and formerly served as the Neutral Co-chair of the Section's State and Local Government Bargaining and Employment Law Committee. She is also a member of the Labor and Employment Law Section of the State Bar of Michigan, the Black Women Lawyers Association of Michigan, and the Wolverine Bar Association. Ms. Morison received a B.A. from Michigan State University, a J.D. from the University of Michigan, and an LL.M. in labor law from Wayne State University.

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.

Robert Strassberg has been a MERC Labor Mediator since January 2009. He previously headed MERC's Election's Unit for 12 years during which he conducted two of the largest elections in MERC history. Prior to MERC, Bob was a Personnel Director at Knopow Industries, Management Labor Relations Consultant (primarily in the health care industry) and a labor representative. Bob has a B.A. from Wayne State University and also attended Wayne State University's Masters in Industrial Relations Program.

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.

A summary of the FY2023 case activity reported by MOAHR is as follows:

MOAHR Case Activity – FY23

Period	Cases Received	Hearings Scheduled	Hearings Held	Cases Completed
1st Quarter	32	47	16	29
2nd Quarter	28	74	23	23
3rd Quarter	16	131	26	28
4th Quarter	29	72	20	26
Total	105	324	85	106

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 2023:

- 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 2023:

- Hyman Parker 1971-1975
- Robert Pisarski 1975-1980
- Barry Hawthorne, Acting Director 1980-1983

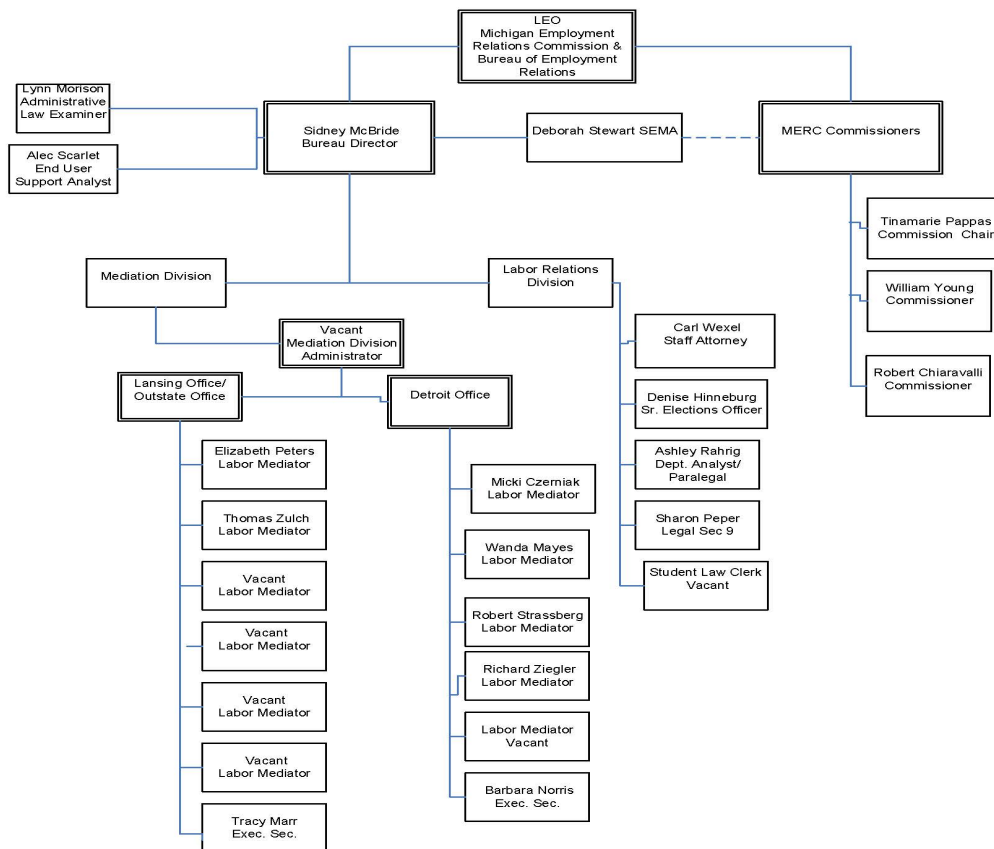
- Shlomo Sperka 1983-1998
- Ruthanne Okun 1998-2020
- Sidney McBride 2020-present

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).

MERC Organizational Chart

As of September 30, 2023



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.

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.

KEY LEGISLATIVE CHANGES AND ENACTMENTS

Since 2011, collective bargaining in Michigan (primarily public sector) was impacted by several statutory changes to PERA, the LMA and Act 312.

During 2023, the following new laws were enacted and will become effective in early 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);
- Repeal of 2011 PA 54 (2023 PA 113);
- 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).

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.

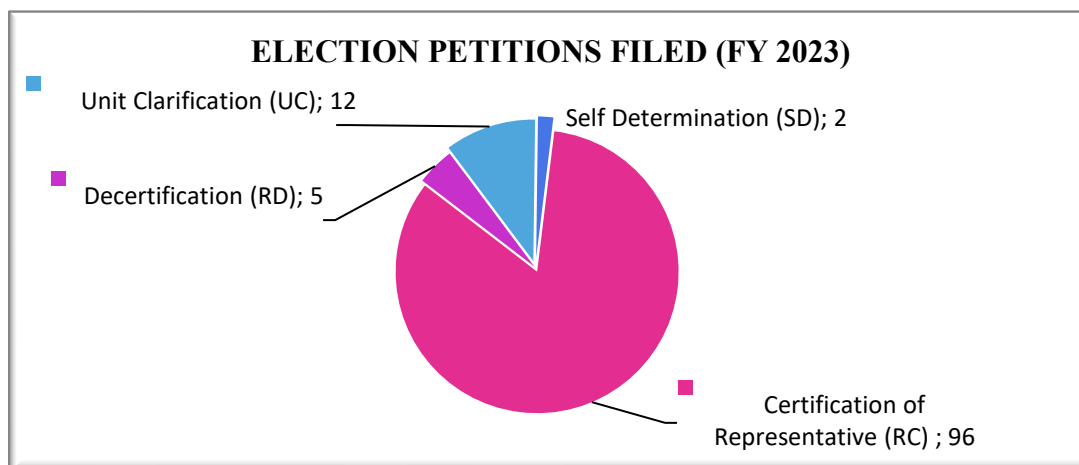
MERC elections (other than UC petitions) are conducted one of two ways—consent of the parties, or Commission order. A Consent Election occurs when the parties mutually authorize MERC to

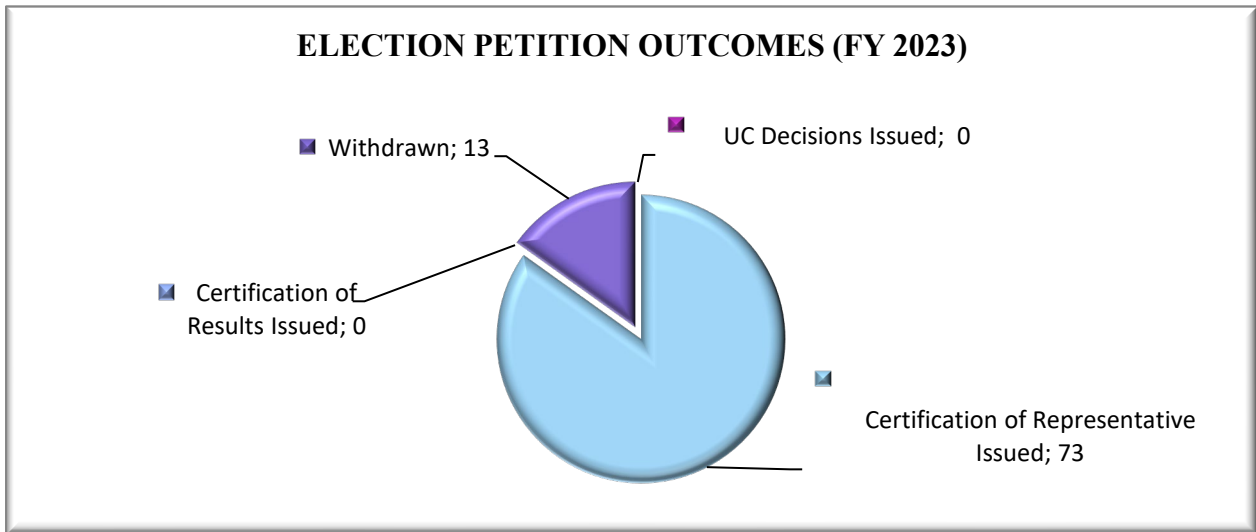
conduct an election. A Commission Directed Election occurs when the parties are unable to consent to an election, and the dispute is referred to an ALJ for a factual and legal determination. Based on those findings, the Commission will order (directs) an election or dismiss the petition.

ELECTIONS CASE ACTIVITY (FY 2023)										
	R Petitions Filed	UC Petitions Filed	Elections Held	Cert. Issued	Refer to VM	Disposed in VM	UC cases ref. to ALJ	R cases ref. to ALJ	R Decisions Issued	UC Decisions Issued
October	2	1	4	4	1	0	2	0	0	0
November	3	0	4	6	0	0	1	0	0	0
December	3	1	1	3	0	2	2	1	0	0
January	10	1	3	2	0	2	0	1	1	0
February	15	1	4	2	1	1	1	0	0	0
March	16	1	11	5	0	0	0	0	0	0
April	2	2	10	16	0	0	0	0	0	0
May	3	2	10	8	0	0	1	0	0	0
June	10	1	2	8	1	0	1	0	0	0
July	11	0	5	3	1	0	0	0	0	0
August	18	2	12	9	0	0	0	0	0	0
September	10	0	7	7	1	0	1	0	0	0
Total	103	12	73	73	5	5	9	2	1	0

FY 23 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.

<space intentionally left blank>

UNFAIR LABOR PRACTICE CHARGE ACTIVITY — FY 2023

MONTH	ULP's FILED	VOL. MED. MED.	REF. TO ALJ	RECEIVED FROM ALJ	DRO's ISSUED	MERC DECISIONS ISSUED	20 DAY ORDERS ISSUED	CLAIM OF APPEAL FILED	ADM CLOSED	VOL. MED. DISP
October	10	1	8	(10) 12	2	1	3	1	2	1
November	11	0	12	10	3	0	1	0	1	2
December	4	0	(7) 8	(3) 2	1	0	0	0	0	0
January	10	1	(5) 4	11	2	0	1	1	0	0
February	14	3	15	7	2	1	1	0	2	2
March	8	2	7	7	(0) 1	1	3	0	0	0
April	10	1	7	(8) 7	(6) 4	1	0	1	0	2
May	8	6	(7) 4	(6) 5	2	0	1	0	0	2
June	9	4	5	(16) 14	4	0	4	0	0	0
July	8	2	(8) 9	(10) 8	4	1	0	0	0	2
August	12	1	(13) 12	9	2	0	3	1	0	1
September	6	0	3	(4) 3	1	1	2	1	0	0
TOTALS	110	21	94	95	28	6	19	5	5	12
*MERC numbers in red										

HIGHLIGHTS OF MERC DECISIONS ISSUED IN FY 2023

During FY 2023, highlights of four noteworthy cases include:

- Teacher Placement: *Kalamazoo Education Association, MEA/NEA -and- Kalamazoo Public Schools, Case No. 21-G-1465-CU, issued October 11, 2022.*** The Kalamazoo Public Schools (District) notified an employee who had worked as a Guidance Counselor that upon her return from FMLA leave, she would be transferred to a classroom teaching position. The Kalamazoo Education Association (Union) filed a grievance challenging the transfer alleging that it violated the parties’ agreement which permits an individual to return to her pre-leave position. When the Union demanded arbitration, the District filed its charge maintaining that the grievance involved “teacher placement,” a prohibited subject of bargaining, and that the Union’s attempt to arbitrate the grievance, therefore, violated Section 10(2)(d). MERC reversed the ALJ’s findings that the Union violated 15(3)(j) and 10(2)(d) by advancing the grievance to arbitration and found that no “teacher placement” decision was implicated. MERC concluded that a “teacher” within the phrase “teacher placement” under Section 15(3)(j) means a certificated individual employed by the involved school district as a teacher. As such, the District’s transfer of an individual who possessed a teaching certificate but was employed for the entirety of her employment as a Guidance Counselor and not as a teacher, was not a “teacher placement” decision under Section 15(3)(j). Therefore, the Union did not violate Section 10(2)(d) by seeking to arbitrate the grievance.
- Duty of Fair Representation: *Superior Township Fire Fighters Union, Local 3292, International Association of Fire Fighters -and- Lee Rudowski, 21-I-1764-CU, issued March 17, 2023.*** Charging Party was employed as a fire fighter by Superior Charter Township and was a member of a bargaining unit represented by the Respondent Union.

He was discharged for failing to notify the Employer that he had been arrested and charged with drunk driving, and on the basis that restrictions had been placed on his driver's license as a result of the drunk driving incident. The Union filed a grievance challenging the discharge for lack of good cause, but a majority of the Union's members voted not to advance the grievance to arbitration. An unfair labor practice charge ensued alleging a breach of the duty of fair representation. The ALJ found that Charging Party failed to establish that the Union did not properly represent him in connection with his grievance challenging the termination and that the record was devoid of evidence to suggest that the Union acted arbitrarily, discriminatorily or in bad faith. MERC agreed with the ALJ's findings and recommended dismissal of the charge. While Charging Party disagreed with the vote of union membership to not advance his grievance to arbitration, the Commission found no evidence to support a finding that the Union breached its duty of fair representation.

- **Protected Activity: Romeo Community Schools -and- Romeo Education Association, MEA/NEA, issued April 28, 2023.** Charging Party represented a long tenured middle school teacher (Ziel), who also served as Union President. Ziel posted in a private union Facebook group regarding disruption at a School Board meeting, which subsequently prompted numerous parents to contact the District Superintendent with their complaints. The District sought to discharge Ziel under the Teacher Tenure Act (TTA) because of the post. In its unfair labor practice charge, Charging Party alleged that the TTA discharge action was in retaliation of Ziel's exercise of her Section 9 rights. The ALJ disagreed, finding the post was not protected concerted activity and recommended the charge be dismissed. MERC disagreed with the ALJ and found that the TTA process, while unsuccessful, was in retaliation of Ziel's exercise of protected concerted activity. MERC viewed the FB post to be analogous to a statement by the Union President to members at a union meeting, or an email sent exclusively to union members. Lastly, MERC rejected the District's claim that the TTA dismissal rendered the ULP moot, especially since there were no monetary damages to the Teacher.
- **Detroit Public Schools Community District -and- LC Bulger, 21-C-0538-CE, issued July 14, 2023.** Charging Party had a history of union activism, including participation with school and non-school workers in protests sponsored by BAMN, a 3rd party advocacy group. During school reopening following COVID closures, and against the District's warnings, Charging Party failed to report to work for several days and participated in the BAMN sponsored protests against reopening with in-person classes. As a result of his no shows, Charging Party was terminated by the Employer. Charging Party alleged that his Section 9 rights were violated, but the ALJ did not agree and recommended dismissal of his charge. MERC upheld the dismissal, finding the discharge was not in retaliation to the protest activity, but instead due to Charging Party's failure to report to work.

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 2023, some MERC case decisions were on appeal with the following outcomes as of the end of the fiscal year on September 30, 2023:

	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	366447		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		Appellate Decision pending at FY close
<i>Kalamazoo Education Association, MEA/NEA -and- Kalamazoo Public Schools</i>	21-G-1465-CU, issued October 11, 2022	363573, COA Majority Decision issued August 10, 2022, reversed MERC’s findings and remanded for further proceedings.	166145	MI Supreme Court Decision on Application for Leave pending at FY close
<i>Wayne Professional Fire Fighters Union, Local 1620 & City of Wayne</i>	20-L-1801-CE, issued May 10, 2022	361449		COA Decision issued May 25, 2023, affirmed MERC’s Decision

<i>Van Buren Education Association MEA/NEA & Van Buren Public Schools</i>	21-E-1225-CU, issued June 17, 2022	362076		COA Decision issued August 24, 2023, affirmed MERC's findings.
<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 pending at FY close

“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.

During FY2023, Public Acts 8 and 9 were enacted that will repeal FTW in Michigan. The new Public Acts, which become effective in early 2024, in part, will allow union security agreements to be contained in collective bargaining agreements between employers and labor organizations. Notably, the FTW repeal in the public sector (2023 PA 09) is conditioned on either the United States Supreme Court reversing or limiting its *Janus* decision or if the United States Constitution is amended.

UNION AUDITS

PERA was amended in 2014 to require that labor organizations representing public sector employees in the state file an independent audit with MERC. The audits must be submitted in pdf format and are 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.

<space intentionally left blank>

MEDIATION ACTIVITY — FY 2023

FISCAL YEAR MEDIATION ACTIVITY TRENDS - FY 2023								
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	76	22	36	13	11	8	7	0
November	67	27	37	14	6	7	7	0
December	68	16	30	17	20	10	30	0
January	219	14	29	10	15	14	4	0
February	121	11	18	4	18	26	15	0
March	179	19	41	21	24	6	7	1
April	219	59	34	3	10	14	13	0
May	94	13	30	3	21	20	18	0
June	78	25	54	29	17	21	8	1
July	93	15	31	8	13	9	7	0
August	182	15	55	12	22	33	20	2
September	72	22	41	7	8	9	7	0
TOTALS*	1468	258	436	141	185	177	143	4

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

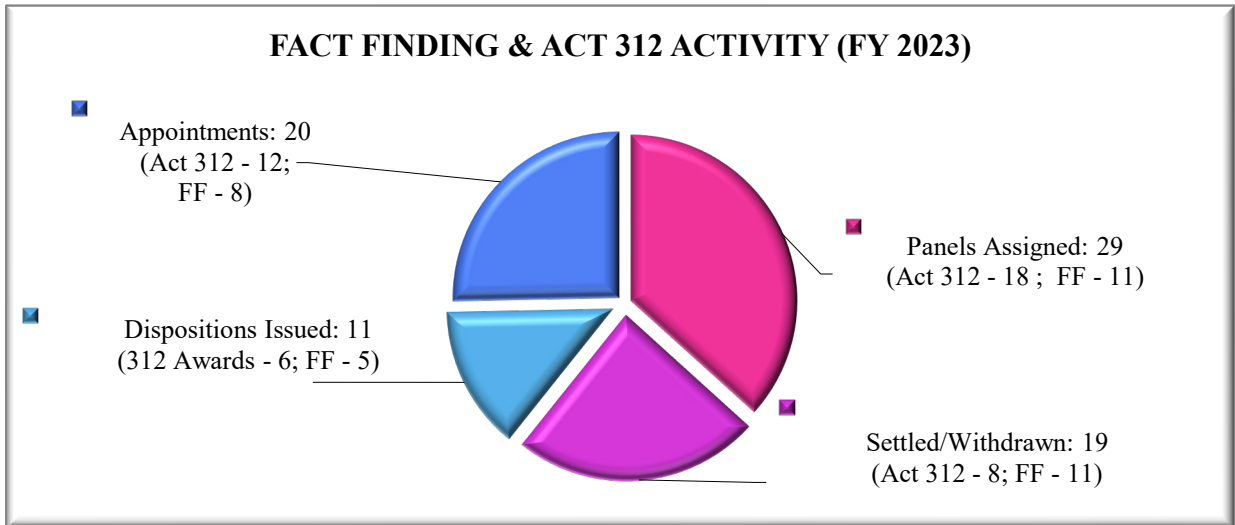
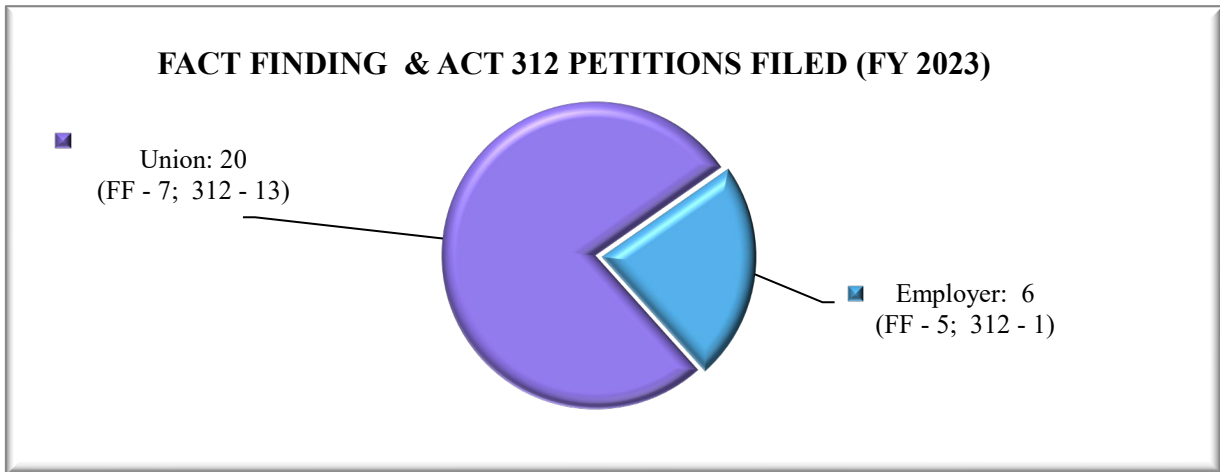
In public sector collective bargaining, the parties are prohibited from undertaking self-help remedies such as strikes or lockouts (work stoppages). Instead, a special type hearing can be requested where a 3rd party neutral (not the mediator) hears and reviews information related to the outstanding disputed 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.

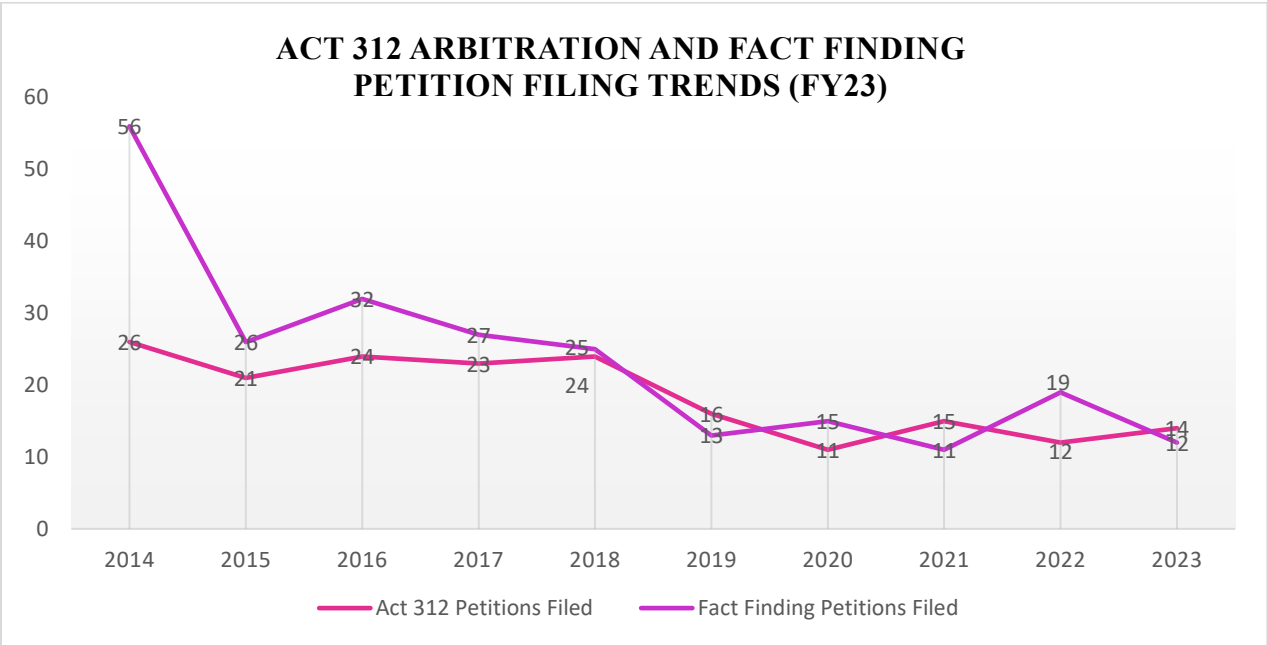
Fact-Finding

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.

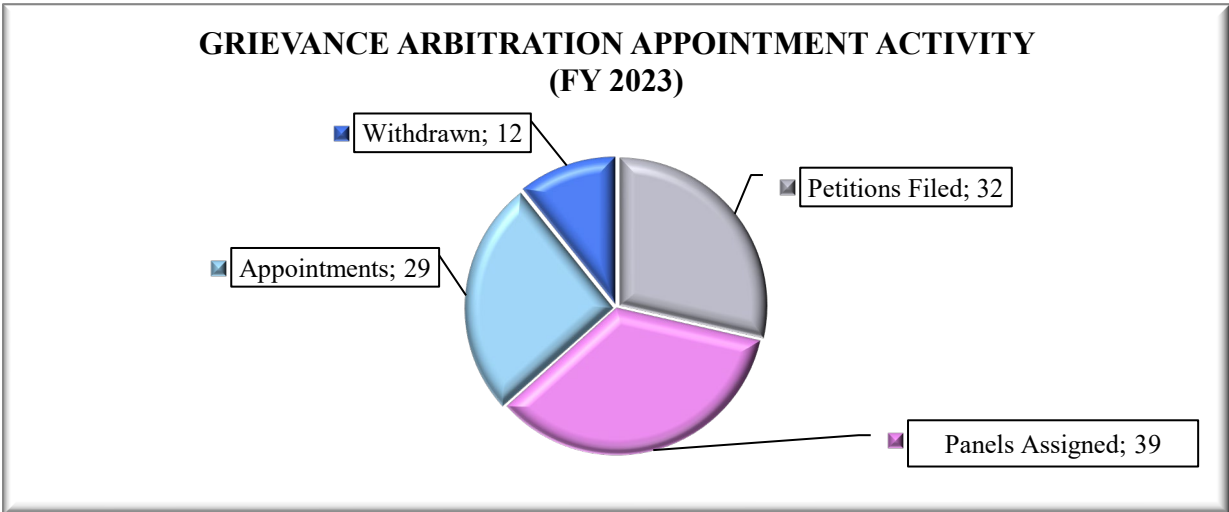




GRIEVANCE ARBITRATION

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 2023 was:



MERC CONSTITUENT TRAINING PROGRAMS

The Mediation Division offers several 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.

OTHER FY 2023 HIGHLIGHTS

VOLUNTARY MEDIATION PROGRAM

The Voluntary Mediation program, started in FY 2022. Under the program, before an unfair labor practice charge or election petition is referred for ALJ hearing, the parties are given a chance to mutually agree to participate in mediation to seek resolution. If all parties agree, a MERC Labor Mediator is promptly assigned and conducts virtual mediation sessions seeking to settle the

disputed ULP or UC matter, or reach consent to conduct a representation election. If any party declines, or if the voluntary mediation process does not resolve the dispute, the ULP or Election case is forwarded to the MOAHR ALJ for continued case processing.

By the close of FY 2023, 65% of ULP & Elections cases that opted to participate in the Voluntary Mediation program reached disposition and eliminated the need for ALJ assistance in those matters.

LEGISLATIVE ACTIVITY

A series of substantial legislative changes were made during FY 2023, amending both statutes the agency administers: PERA and the LMA. Highlights of some of the key changes are as follows:

- 2023 PA 8 (private sector) and 2023 PA 9 (public sector) repeal Freedom to Work in Michigan. There are aspects of 2023 PA 9 which do not become effective until the reversal of the US Supreme Court's *Janus Decision*. Principally, these laws restore collective bargaining rights by allowing union security provisions to exist in collective bargaining agreements between employers and labor organizations as they did prior to the 2012 launch of Michigan's Freedom to Work laws.
- 2023 PA 113 repealed 2011 PA 54 and its restrictions on pay increases to employees after contract expiration. 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.
- 2023 PA 114 removed the prohibition against public school employers from using school resources to collect union dues or service fees (requiring payment of union dues or service fees remains subject to reversal of the US Supreme Court decision in *Janus v. AFSCME*).
- 2023 PA 115 removed several prohibited subjects of bargaining under §15(3) of PERA.

The above legislative changes will go into effect in early 2024.

BUDGET

The authorized budget appropriation for the agency during FY 2023 was \$4.6M which includes reimbursements for the MOAHR staff that services MERC. These funds were derived exclusively from state security fees rather than general fund monies.

STAFF DEPARTURES & PROMOTIONS

Miles Cameron – After 14 years of service as a MERC Labor Mediator, Miles retired from State service on December 31, 2022. Miles was a MERC Labor Mediator since July of 2008. Prior to joining MERC, he had been an active member of the United Steelworkers since 1978 and held many positions in his local union including Safety Chair, Steward, Committee Man, Negotiations

Chair, Grievance Chair, Educational Coordinator and President. In 1995, he began working as a staff representative for the United Steelworkers with duties that included representing members in arbitrations, settling grievances, negotiating contracts and other responsibilities.

ON THE LIGHTER SIDE

STAFF LUNCHEON

Having been unable to meet in person due to the restrictions in place following the COVID-19 pandemic, MERC Commissioners and MERC staff were able to celebrate together at Sindbads Restaurant in Detroit, MI. The luncheon also celebrated the appointment of the newest MERC Commissioner, Robert Chiaravalli.



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, Polices 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)</p>	<p>Mason Bldg. (Lansing) 530 W. Allegan 2nd Floor, Mason Bldg., Lansing, MI 48909 517-449-8036 (Mail and Faxes send to Detroit Office)</p>
--	---