

Employment Relations Board Member Application Process

In 1980, the commission created a three-member Employment Relations Board (ERB) to assist the commission. The ERB is guided by commission rules, precedents, and policy directives and makes recommendations to the commission. All recommendations of the ERB are subject to commission review and approval and may be modified, rejected, or approved.

ERB Functions

- 1. Appellate Body:** The ERB reviews appeals of decisions from eligible employee grievances and unfair labor practice charges and technical decisions involving selection, classification, disbursements for personal services, and benefits. Appeals involving employee discharges have oral argument before the ERB; in other appeals, the ERB's recommended decision is based on the parties' written arguments unless the ERB authorizes oral arguments.
- 2. Impasse Panel:** The ERB serves as an impasse panel to resolve disputes during primary and secondary collective bargaining negotiations. After impasse hearings, the ERB recommends a resolution to the commission.
- 3. Coordinated Compensation Panel:** The ERB conducts annual hearings to make recommendations on pay and benefits for employees not covered by a collective bargaining agreement. The ERB follows established criteria, including considering pay and benefits for unionized employees and other employers and the state's financial condition.

Term of Appointment and Compensation

ERB members are appointed to three-year terms but serve at the pleasure of the commission. Members may be reappointed. The commission selects the ERB chair. ERB members are paid a prorated per diem of \$700 for hearings and preparation time. ERB members are independent contractors. Expenses are reimbursed at state-employee rates. Compensation, including expenses, for a member varies depending on the number of meetings and workload in a year, but is generally between \$5,000 and \$10,000.

Time Commitment

The ERB sits as an appellate body around ten times per year. At these meetings, the ERB splits its time between discussing applications for leave to appeal and hearing any oral arguments. ERB business is usually concluded by noon. Scheduled meetings without oral argument may be held by teleconference. The ERB may also discuss applications by email. Preparation time before each scheduled meeting can range from two hours to two days, depending on the number of applications and oral arguments for the meeting.

Impasse panel activity is less predictable. With multi-year contracts, the ERB can be busy (one to four days) every second or third year in the fall for primary impasse and less busy (one to two days) the next summer for secondary impasses.

Coordinated pay hearings typically take one day each fall to conduct and are held concurrent with or shortly after any impasse hearings.

How to Apply

Interested applicants are invited to send a résumé and cover letter, which should include the applicant's name, address, phone number, email address, and a summary of any experience and education in arbitration, mediation, or labor-management relations to MCSC-OGC@michigan.gov. The deadline for any application will be 30 days after any posting of a vacancy. Candidates passing initial staff review may be contacted for further screening and interviews. Any proposed appointment to the ERB will be included on the commission's public meeting agenda.

The ERB's duties are generally described in rule 1-15 of the commission's rules:

1-15 Employment Relations Board

1-15.1 Employment Relations Board

The civil service commission shall appoint an employment relations board consisting of three unclassified members who are compensated on a per diem basis, as determined by the commission. The commission shall designate one of the members as the chair of the board.

1-15.2 Term of Office

The members are appointed to staggered terms of 3 years and serve at the pleasure of the civil service commission. A person appointed to fill a vacancy on the board is appointed only for the unexpired term. All terms of office expire May 1 in the year of expiration. A member may be reappointed.

1-15.3 Quorum and Action

Two members of the board constitute a quorum. The board acts by a vote of a majority of a quorum. If a quorum consists of only two members and they cannot agree, the board shall not act but shall forward the matter to the civil service commission with the separate recommendation of each member.

1-15.4 Duties

The employment relations board has the following duties:

- (a) Review all appeals of right to the civil service commission and recommend final action to the commission.
- (b) Review all applications for leave to appeal to the civil service commission and recommend the grant or denial of leave to appeal. If the board recommends granting the application, the board shall not refer that recommendation to the commission until after the board has considered the appeal on its merits and has issued a final recommendation on the merits of the appeal.
- (c) Serve as the members of any impasse panel or coordinated compensation panel. However, the board instead may appoint one or more of its own members or other persons to serve as the panel.
- (d) Review all other matters referred to it by the civil service commission or the state personnel director.
- (e) Recommend regulations governing board procedures to the state personnel director.

1-15.5 Final Action by the Commission

The employment relations board shall file its final recommendations with the civil service commission. After reviewing the board's recommendations, the commission shall issue a final decision in the matter. The commission may approve, reject, or modify, in whole or in part, the board's recommendations. If the commission rejects, in whole or in part, the board's recommendations, the commission may (1) remand the matter to the board or other officer for further action, (2) issue a final judgment or decision that rejects or modifies the recommendation of the board, or (3) exercise any other power of the board or commission.

ERB procedures are also described in regulations [6.05](#), [6.06](#), and [8.05](#).