

STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION

In the Matter of:

**CITY OF WYANDOTTE**  
**DEPARTMENT OF MUNICIPAL SERVICES,**  
Respondent-Public Employer,

**Case No. C98 D-81**

-and-

**MICHAEL C. ZIELMAN,**  
An Individual Charging Party.

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APPEARANCES:

Stringari, Fritz, Kreger & Ahearn, P.C., by Conrad W. Kreger, Esq., for the Respondent

Michael C. Zielman *in pro per*

**DECISION AND ORDER**

On July 27, 1998, Administrative Law Judge Roy L. Roulhac issued his Decision and Recommended Order in the above matter finding that Respondent did not violate Section 10 of the Public Employment Relations Act (PERA), 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 any 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.

COMMISSION

MICHIGAN EMPLOYMENT RELATIONS

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Maris Stella Swift, Commission Chair

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Harry W. Bishop, Commission Member

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C. Barry Ott, Commission Member

Date: \_\_\_\_\_

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**DECISION AND RECOMMENDED ORDER**  
**OF**  
**ADMINISTRATIVE LAW JUDGE**

On April 21, 1998, individual Charging Party Michael C. Zielman filed an unfair labor practice charge against Respondent City of Wyandotte, Department of Municipal Services. He alleged that a series of incidents of discrimination which occurred between October 1993 and January 21, 1998, were caused by his participation in a lawsuit. The incidents which possibly occurred within six months of his April 21, 1998, charge are summarized below:

October 1997

Plastic bottle of shampoo which was deliberately placed on top of his locker fell and hit him on the head. Opened locker and found coal flyash (sic) inside. Notified plant management but nothing was done.

January 1998

Personal property vandalized. Locker overturned. Management notified. Went to work and had no uniform to wear. Checked with clerk per posted notice who told him it was not his problem that he did not have anything to wear. Argued with clerk. Went to plant manager who sided with clerk. Argument which ensued with plant manager resulted in him losing job and getting fired.

On April 29, 1998, Respondent filed an answer and asserted as affirmative defenses that allegations set forth in paragraph 1 through 9 of the charge did not comply with Section 16 of the Public Employees Relations Act (PERA) ) because they occurred more than six months prior to the April 21, 1998, charge. Respondent asserted further that Charging Party failed to state an offense cognizable by Section 10 of PERA (MCL 423.210) and his allegations concern interpersonal relationship problems with fellow employees which are not subject to PERA.

On June 11, 1998, Charging Party was directed to show cause why his charge should not be dismissed for failing to state a claim for which relief could be granted under PERA. Charging Party did not respond to the order. I find that allegations set forth in paragraphs 1 through 9 of the charge occurred more than six months prior to the charge and do not comply with Section 16(a) of PERA. The remaining allegations do not state a claim upon which relief can be granted under the PERA. Therefore, I recommend that the Commission issue the order set forth below:

**RECOMMENDED ORDER**

The unfair labor practice charge is dismissed.

**MICHIGAN EMPLOYMENT RELATIONS COMMISSION**

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Roy L. Roulhac  
Administrative Law Judge

Dated: \_\_\_\_\_