

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

In the Matter of:

UNIVERSITY OF MICHIGAN,
Public Employer-Respondent in Case No. C02 C-071,

-and-

AMERICAN FEDERATION OF STATE, COUNTY,
AND MUNICIPAL EMPLOYEES, COUNCIL 25 AND LOCAL 1583,
Labor Organization-Respondent in Case No. CU02 C-014,

-and-

CURTIS GRANDERSON,
Individual Charging Party

APPEARANCES:

David J. Masson, Esq., Assistant General Counsel, for the Respondent Public Employer

Robert Donald, Esq., for the Respondent Labor Organization

Curtis Granderson, in pro per

DECISION AND ORDER

On July 15,2002, Administrative Law Judge Julia C. Stern issued her Decision and Recommended Order in the above matter finding that Respondents 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 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.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Maris Stella Swift, Commission Chair

Harry W. Bishop, Commission Member

C. Barry Ott, Commission Member

DATED:

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CURTIS GRANDERSON,
Individual Charging Party

APPEARANCES:

David J. Masson, Esq., Assistant General Counsel, for the Respondent Public Employer

Robert Donald, Esq., for the Respondent Labor Organization

Curtis Granderson, in pro per

DECISION AND RECOMMENDED ORDER
OF
ADMINISTRATIVE LAW JUDGE

On March 21, 2002, Charging Party Curtis Granderson filed the above charges with the Michigan Employment Relations Commission against his former Employer, the University of Michigan, and his bargaining agent, the American Federation of State, County and Municipal Employees (AFSCME), Council 25 and Local 1583. Granderson alleged that Respondents had committed unfair labor practices under Section 10 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210.

On April 10, 2002, I notified Granderson that neither of his charges complied with R 151(2)(C), requiring that an unfair labor practice charge filed with the Commission contain a clear and complete statement of the facts which allege a violation of PERA. Granderson filed amended charges against both

Respondents on May 28, 2002.

Granderson's charge against the Employer, as amended, alleges that the Employer committed various acts of retaliation against Granderson because of his activities as a union steward beginning on September 30, 1997, and concluding with his allegedly unlawful termination on January 2, 2001. He also alleges that during the term of his employment the Employer failed to comply with the federal Family Medical Leave Act (FMLA) and the federal Americans with Disabilities Act (ADA).

In his charge against the Union, Granderson alleges that the Union failed to fully investigate, improperly settled or failed to take to arbitration certain grievances; mishandled an arbitration; failed to maintain a good relationship with him as a steward; failed to keep him advised of the progress of grievances; and improperly failed to offer any procedures for him to appeal its decision to withdraw grievances. According to the charge, these acts occurred between January 1997 and August 3, 2000.

On June 12, 2002, I issued an order to show cause pursuant to R 423.165(1) & (3) directing Granderson to show why his charges should not be dismissed as untimely under Section 16(a) of PERA. On June 26, 2002 Granderson filed a response stating only that he did not realize that the Employer had acted unlawfully until shortly before filing his charges.

Section 16(a) of PERA states that the Commission has no authority to remedy a violation of PERA occurring more than six months prior to the filing of the charge with the Commission and the service of a copy thereof on the Respondent. If the aggrieved person was prevented from filing the charge by reason of service in the armed forces, the six-month period begins to run from the date of his or her discharge.

Based on the above, I conclude that the charges should be dismissed without hearing because they fail to allege that Respondents committed any unfair labor practices within six months prior to the date the charges were filed and because Granderson has not shown good cause for his failure to file the charges in a timely manner. See *Huntington Woods v Wines*, 122 Mich App 650, 652 (1983). I recommend that the Commission issue the following order:

RECOMMENDED ORDER

The charges are hereby dismissed in their entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Julia C. Stern
Administrative Law Judge

Dated: _____