

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

In the Matter of:

WASHTENAW COMMUNITY MENTAL HEALTH,
Respondent-Public Employer in Case No. C03 C-061,

-and-

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES COUNCIL 25,
Respondent-Labor Organization in Case No. CU03 C-017,

-and-

MICHAEL SCHILS,
An Individual Charging Party.

APPEARANCES:

Gallagher & Gallagher, P.L.C., by Paul Gallagher, Esq., for the Public Employer

Miller Cohen, P.L.C., by Bruce A. Miller, Esq., and Richard G. Mack, Jr., Esq., for the Labor Organization

Michael Schils, In Propria Persona

ORDER DENYING MOTIONS

On August 6, 2004, we issued our Decision and Order in the above entitled matter dismissing the charges because they were not filed in a timely manner pursuant to Section 16(a) of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.216(a). On August 17, 2004, Charging Party filed a timely Motion for Reopening of the Record, a Motion for Summary Judgment, and a Motion to Suspend Time Limits in Case No. C03 C-061, involving Respondent Washtenaw Community Mental Health. Finding no merit to these motions, we issued an Order denying them on September 8, 2004.

Charging Party has now filed four additional motions seeking our further review of the matters disposed of in our August 6, 2004 final Order. On September 9, 2004, Charging Party filed a second Motion to Reopen the Record. On September 24, 2004, Charging Party filed a Motion to Provide Record and Allow Motion for Reconsideration. On October 1, 2004, Charging Party filed a Motion to Amend Earlier Motion. On November 2, 2004, Charging Party

filed a Motion to Remove Tardy Brief from Record in Case No CU03 C-017, involving Respondent AFSCME Council 25. Because the arguments presented in these motions fail to raise any issue under PERA and the additional evidence that Charging Party seeks to introduce would not require us to change our Decision and Order, we find no basis to reopen the record in this matter or to reconsider our August 6, 2004 final Order. Moreover, Charging Party's motions to reopen the record and for reconsideration are untimely. See Rules 166 and 167 of the Commission's General Rules, 2002 AACCS, R 423.166 and R 423.167, which limit the time periods for filing motions for reopening and reconsideration to twenty-one days and twenty days, respectively, from the issuance of the Commission's final Order. Therefore, we issue the following Order:

ORDER

It is hereby ordered that the Motion to Reopen the Record, the Motion to Provide Record and Allow Motion for Reconsideration, the Motion to Amend Earlier Motion and the Motion to Remove Tardy Brief from Record are denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Nora Lynch, Commission Chairman

Harry W. Bishop, Commission Member

Nino E. Green, Commission Member

Dated: _____