

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

In the Matter of:

WAYNE COUNTY COMMUNITY COLLEGE DISTRICT,  
Respondent-Public Employer,

Case No. C04 F-  
148

-and-

WAYNE COUNTY COMMUNITY COLLEGE DISTRICT  
PROFESSIONAL & ADMINISTRATIVE ASSOCIATION/  
MICHIGAN FEDERATION OF TEACHERS, LOCAL 4467,  
Charging Party-Labor Organization.  
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APPEARANCES:

Floyd E. Allen & Associates, by Shaun P. Ayer, Esq., for the Respondent

Johnny L. Mickles III for the Charging Party

**DECISION AND ORDER**

On August 26, 2004, Administrative Law Judge David M. Peltz issued his Decision and Recommended Order in the above matter finding that Respondent 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

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Nora Lynch, Commission Chairman

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Harry W. Bishop, Commission Member

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Nino E. Green, Commission Member

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

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**DECISION AND RECOMMENDED ORDER  
OF ADMINISTRATIVE LAW JUDGE ON  
MOTION FOR SUMMARY DISPOSITION**

On June 7, 2004, the Wayne County Community College District Professional & Administrative Association/Michigan Federation of Teachers, Local 4467, filed an unfair labor practice charge against Wayne County Community College District. The charge stated:

Wayne County Community College unilaterally changed hours of working on October 24, 2003. The change was from December 16, 2003 to December 18, 2003. This change was done without bargaining with the Union.

On July 21, 2004, Respondent filed a Motion for Summary Disposition alleging that the charge was not timely filed under Section 16(a) of the Public Employment Relations Act (PERA), MCL 423.216(a). In an order entered on July 27, 2004, Charging Party was granted fourteen days to show cause why the charge should not be dismissed as untimely. Charging Party did not file a response. Respondent renewed its Motion for Summary Disposition on August 26, 2004.

Pursuant to Section 16(a) of PERA, no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Commission. The Commission has consistently held that the statute of limitations is jurisdictional and cannot be waived. *Walkerville Rural Community Schools*, 1994 MERC Lab Op 582, 583. In the instant case, the charge alleged that Respondent unilaterally changed a term or condition of

employment on October 24, 2003. Since the charge was not filed within six months of that date, I find it to be untimely under Section 16(a) of PERA and recommend that the Commission issue the order set forth below.

RECOMMENDED ORDER

It is hereby recommended that the unfair labor practice charge be dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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David M. Peltz  
Administrative Law Judge

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