

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

In the Matter of:

WAYNE COUNTY COMMUNITY COLLEGE DISTRICT,  
Respondent-Public Employer,

Case No. C03 J-232

-and-

PROFESSIONAL AND ADMINISTRATIVE ASSOCIATION,  
Charging Party-Labor Organization.

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APPEARANCES:

May & Sucher, PLLC, by Bruce Sucher, Esq., for Respondent

Law Offices of Mark H. Cousens, by Gillian H. Talwar, Esq., for Charging Party

**DECISION AND ORDER**

On July 20, 2005, Administrative Law Judge David M. Peltz issued his Decision and Recommended Order in the above matter finding that Respondent violated Section 10 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended. The Decision and Recommended Order of the Administrative Law Judge was served on the interested parties in accord with Section 16 of the Act. Pursuant to Rule 76, R423.176 of the General Rules of the Employment Relations Commission, exceptions to the Decision and Recommended Order were due on August 12, 2005.

No exceptions were filed on or before the specified date. Rather, we received Respondent's exceptions on August 16, 2005. It is well established that the date of filing of exceptions is the date the document is received at the Commission's offices. See e.g. *City of Detroit (Finance Department, Income Tax Division)*, 1999 MERC Lab Op 444,445; *Battle Creek Police Dep't*, 1998 MERC Lab Op 684, 686; *Frenchtown Charter Township*, 1998 MERC Lab Op 106, 110.<sup>1</sup> Accordingly, we hereby adopt the recommended order of the Administrative Law Judge as our final order.

**ORDER**

Pursuant to Section 16 of the Act, the Commission adopts as its order the order recommended by the Administrative Law Judge.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Nora Lynch, Commission Chairman

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Nino E. Green, Commission Member

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

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<sup>1</sup> On August 25, 2005, we received Charging Party's response to the exceptions, but we did not consider it because the exceptions were untimely filed.

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APPEARANCES:

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Law Offices of Mark H. Cousens, by Gillian H. Talwar, Esq., for Charging Party

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

Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, this matter came on for hearing at Detroit, Michigan on April 29, 2004 and February 14, 2005, before David M. Peltz, Administrative Law Judge for the Michigan Employment Relations Commission. The proceedings were based upon an unfair labor practice charge filed by the Professional and Administrative Association alleging that Wayne County Community College District has violated Section 10 of PERA. Based upon the stipulations of the parties, I make the following findings of fact and conclusions of law, and issue the following recommended order.

The Unfair Labor Practice Charge and Stipulations:

Charging Party is the bargaining representative for professional and administrative employees of Wayne County Community College District (WCCCD). In the charge filed on October 31, 2003, the Union alleges that WCCCD violated Section 10(1)(e) of PERA by failing to provide the following information to the Union:

1. The name, title, EOD, salary and fringe benefits for all exempt staff and all non-union represented staff, monies received and description of services provided by all consultants, and additional information about compensation and benefits for the Chancellor and members of the Chancellor's cabinet.

2. The names of bargaining unit members who have applied and/or been interviewed for the positions of Assistant Registrar, Assistant Dean, Student Services Administrator, LRC Coordinator, Operations Manager and Development Specialist, along with copies of all credentials of all persons who have applied and/or been interviewed for such positions.
3. Resumes and credentials of all persons currently holding the position of temporary Academic Data Coordinator.

A hearing in this matter was scheduled for April 29, 2004. On that date, the WCCCD agreed to produce all information requested by the Union as described in the unfair labor practice charge. In addition, counsel for the respective parties agreed that the undersigned could recommend an order to the Commission finding a violation of Section 10(1)(e) of PERA based on the Employer's failure to provide the requested information to the Union in a timely manner.

The parties met again with the undersigned on February 14, 2005. At that meeting, the parties entered into the following written stipulation:

1. Wayne County Community College District hereby stipulates and agrees that it has failed to respond in a timely manner to the information requests which are the subject of the unfair labor practice charge in MERC Case No. C03 J-232, and further that such requests were relevant at the time they were made and for the purposes stated in the charge.
2. Wayne County Community College District further stipulates and agrees that by the conduct described in Paragraph 1 of this document, it has violated its duty to provide information under Section 10(1)(e) of the Public Employment Relations Act.

On May 5, 2005, the parties submitted to the undersigned an additional stipulation, agreeing that all outstanding information requests in this matter have been satisfied.

#### Discussion and Conclusions of Law:

In order to satisfy its bargaining obligation under Section 10(1)(e) of PERA, an employer must supply in a timely manner requested information which will permit the union to engage in collective bargaining and to police the administration of the contract. *Wayne County*, 1997 MERC Lab Op 679; *Ecorse Public Schools*, 1995 MERC Lab Op 384, 387. Based upon the stipulations of the parties in this matter, I find that the WCCCD has violated its bargaining obligation by its failure to supply to Charging Party in a complete and timely manner all of the information requested by the Union, as described in the charge. Therefore, it is recommended that the Commission issue the order set forth below:

RECOMMENDED ORDER

Based upon the above findings of fact and conclusions of law, Respondent Wayne County Community College District, its officers, agents and representatives are hereby ordered to:

1. Cease and desist from:
  - a. Failing or refusing to bargain in good faith with the Professional and Administrative Association as the exclusive bargaining representative of its employees by failing to furnish the Union with information relevant and necessary to negotiation or administration of the collective bargaining agreement.
  - b. Interfering with, restraining or coercing employees in the exercise of their rights under PERA by the actions described above or in any like or related manner.
2. Post copies of the attached notice to employees in conspicuous places on Respondent's premises, including all places where notices to employees are commonly posted, for a period of 30 consecutive days.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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David M. Peltz  
Administrative Law Judge

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

**NOTICE TO ALL EMPLOYEES**

Pursuant to an order of the Michigan Employment Relations Commission, WAYNE COUNTY COMMUNITY COLLEGE DISTRICT, a public employer under the PUBLIC EMPLOYMENT RELATIONS ACT (PERA), has been found to have committed unfair labor practices in violation of this Act. Pursuant to the terms of the Commission's order, we hereby notify our employees that:

**WE WILL NOT** fail or refuse to bargain in good faith with the Professional and Administrative Association as the exclusive bargaining representative of its employees by failing to furnish the Union with information relevant and necessary to negotiation or administration of the collective bargaining agreement.

**WE WILL NOT** interfere with, restrain or coerce employees in the exercise of their rights under PERA by the actions described above or in any like or related manner.

**ALL** of our employees are free to engage in lawful activity for the purpose of collective bargaining or other mutual aid and protection as provided in Section 9 of the Public Employment Relations Act.

**WAYNE COUNTY COMMUNITY COLLEGE DISTRICT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

This notice must be posted for a period of 30 consecutive days and must not be altered, defaced or covered by any material. Any questions concerning this notice or compliance with its provisions may be directed to the office of the Michigan Employment Relations Commission, Cadillac Place Building, 3026 W. Grand Blvd, Suite 2-750, P.O. Box 02988, Detroit, MI 48202-2988. Telephone: (313) 456-3510.