

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

In the Matter of:

MACOMB COMMUNITY COLLEGE,  
Public Employer,

Case No. R02 D-056

-and-

MICHIGAN EDUCATION ASSOCIATION,  
Petitioner - Labor Organization.

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**APPEARANCES:**

Brady, Hathaway, Brady & Bretz, P.C., by Paul W. Coughenour, Esq., for the Public Employer

Law Offices of Lee & Clark, P.C., by Michael K. Lee, Esq., for Petitioner

**ORDER DENYING REQUEST FOR COMPLIANCE HEARING**

On June 27, 2003, we issued a Decision and Direction of Election in the above entitled matter in which we found a bargaining unit of adjunct faculty at Macomb Community College to be an appropriate unit for the purposes of collective bargaining under Section 13 of PERA. In that Decision, we set forth the following formula under which particular employees were eligible for inclusion in the bargaining unit:

All adjunct faculty employed by Macomb Community College who have been employed to teach 3.5 or more equated hours per semester in any two semesters during the last two years, excluding administrators and all other employees. For these purposes, "semesters" shall include the fall or spring semesters, but shall not include the summer semester.

An election was conducted and the bargaining unit was certified on November 10, 2003.

On December 2, 2004, Petitioner, Michigan Education Association, filed a Request for Compliance Hearing asserting that the Employer, Macomb Community College, refused to comply with our June 27, 2003 Order. The Employer filed an Answer to the Request for Compliance Hearing and a Motion for Summary Disposition on December 15, 2004. On December 28, 2004, Petitioner filed a Response in Opposition to Motion for Summary Disposition and a Brief in Support. Upon review of the record, we find Petitioner's request for a compliance hearing must be denied.

Neither party requested reconsideration of our Decision and Order Directing an Election, nor did either party appeal that determination. The representation election was held in accordance with our Order and Petitioner was certified as the bargaining representative. Accordingly, the representation case filed by Petitioner has been concluded.

Petitioner now asserts that our Decision and Order did not describe how adjunct faculty would join the bargaining unit in the future. If Petitioner wished further clarification of the bargaining unit description, the Petitioner had the option, under Rule 167 of the Commission's General Rules, 2002 AACRS, R 423.167, to file a motion for reconsideration within 20 days after our Order was issued. The time for filing such a motion has passed.

It is evident from Petitioner's request and the Employer's response that a dispute has arisen at the bargaining table over the language of the recognition clause that is currently under negotiation. A compliance hearing is not the appropriate procedure to resolve such a dispute. See Rule 177 of the Commission's General Rules, 2002 AACRS, R 423.177.

**ORDER**

The request for a compliance hearing is denied.

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: \_\_\_\_\_