

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

In the Matter of:

CHIPPEWA COUNTY,

Public Employer-Respondent in Case No. C04 F-145,

-and-

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES COUNCIL 25, LOCAL 946,

Labor Organization-Charging Party in Case No. C04 F-145,
Incumbent Union in Case No. R04 D-058,

-and-

SUSAN SHUNK,

An Individual-Petitioner in Case No. R04 D-058.

APPEARANCES:

Cohl, Stoker, Toskey & McGlinchey, P.C., by John R. McGlinchey, Esq., for the Public Employer

Miller Cohen, P. C., by Richard G. Mack, Esq., for the Labor Organization

**DECISION AND ORDER DENYING
MOTION FOR RECONSIDERATION**

On December 27, 2005, the Commission issued its Decision and Order in the above-entitled matter, finding that the tentative agreement between Respondent, Chippewa County, and Charging Party, American Federation of State, County and Municipal Employees Council 25, Local 946, did not act as a bar to the decertification petition filed by Petitioner Susan Shunk. We found that Respondent did not violate its duty to bargain under Section 10(1)(e) of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.210(1)(e) by failing to act on the tentative agreement after the decertification petition was filed. Accordingly, we dismissed the unfair labor practice charge and ordered that the decertification petition be processed in accordance with our usual procedures.

Charging Party filed a timely¹ motion for reconsideration of our Decision and Order on January 19, 2006, and submitted a supplementary brief in support of the motion. On January 30, 2006, Respondent submitted a timely response to the motion.

Rule 167 of the Commission's General Rules, 2002 AACRS R 423.167 governs motions for reconsideration and states in pertinent part:

A motion for reconsideration shall state with particularity the material error claimed. . . . Generally, and without restricting the discretion of the commission, a motion for reconsideration which merely presents the same issues ruled on by the commission, either expressly or by reasonable implication, will not be granted. (Emphasis added)

In the motion for reconsideration, Charging Party essentially restates the same arguments it presented in its response to Respondent's exceptions to the ALJ's Decision and Recommended Order. Those arguments were carefully considered and discussed in our December 27, 2005 Decision and Order. Therefore, Charging Party has not set forth grounds for reconsideration. See *City of Detroit Water and Sewerage Dep't*, 1997 MERC Lab Op 453, in which the Commission denied the charging party's motion for reconsideration where the charging party restated the same arguments he presented in his exceptions.

ORDER

The motion for reconsideration is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Nora Lynch, Commission Chairman

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____

¹ Respondent contends that the motion for reconsideration is not timely because it was filed after the twenty-day period set forth under Rule 167, R423.167. As Respondent points out, the motion was filed twenty-three days from the date on which our Decision and Order was issued. Inasmuch as our Decision and Order was served on the parties by mail, the period in which a timely request for reconsideration may be filed is twenty-three days. See Rule 183, R423.183, which provides an additional three days when parties are served with a document by mail.