

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

In the Matter of:

WAYNE COUNTY COMMUNITY COLLEGE,  
Public Employer-Respondent in Case No. C06 J-254,

-and-

WAYNE COUNTY COMMUNITY COLLEGE  
FEDERATION OF TEACHERS, LOCAL 2000,  
Labor Organization-Respondent in Case No. CU06 J-048

-and-

PATRICK ANYANETU,  
An Individual-Charging Party.

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APPEARANCES:

Patrick Anyanetu, *In Propria Persona*

**DECISION AND ORDER**

On November 17, 2006, Administrative Law Judge Julia C. Stern issued her Decision and Recommended Order in the above matter finding that Respondents did not violate Section 10 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, and recommending that the Commission dismiss the charges. 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 December 11, 2006.

No exceptions were filed on or before the specified date. Rather, we received a letter from Charging Party on December 28, 2006 expressing disagreement with the ALJ's decision and requesting a hearing. Charging Party did not state the grounds for exceptions. Rule 176 of the Commission's General Rules, 2002 AACS, R 423.176 provides in relevant part:

- (3) Exceptions shall be in compliance with all of the following provisions:

- (a) Set forth specifically the question of procedure, fact, law, or policy to which exceptions are taken.
  - (b) Identify that part of the administrative law judge's decision and recommended order to which objection is made.
  - (c) Designate, by precise citation of page, the portions of the record relied on.
  - (d) State the grounds for the exceptions and include the citation of authorities, if any, unless set forth in a supporting brief.
- ...
- (5) An exception to a ruling, finding, conclusion, or recommendation that is not specifically urged is waived. An exception that fails to comply with this rule may be disregarded.

Charging Party's letter indicating a desire to appeal without specifying the grounds for such appeal does not comply with the requirements for exceptions. However, even if we considered the letter to qualify as a statement of exceptions pursuant to Rule 176, such exceptions would not be considered because the document was not timely. It is well established that the date of filing of exceptions is the date the document is received at the Commission's office. See e.g. *Police Officers Association of Michigan*, 18 MPER 14 (2005); *City of Detroit (Finance Dep't, Income Tax Div)*, 1999 MERC Lab Op 444,445; *Battle Creek Police Dep't*, 1998 MERC Lab Op 684, 686; *Frenchtown Charter Twp*, 1998 MERC Lab Op 106, 110. In this case, Charging Party's letter was received more than two weeks after the exceptions were due and failed to request or indicate good cause for a retroactive extension of the deadline. Moreover, when the Administrative Law Judge's Decision and Recommended Order was served on the parties, the accompanying letter explicitly stated that the exceptions must be received at a Commission office by the close of business on the specified date. Accordingly, we hereby adopt the recommended order of the Administrative Law Judge as our final order and dismiss the charges.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Christine A. Derdarian, Commission Chair

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Nino E. Green, Commission Member

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Eugene Lumberg, Commission Member

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

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APPEARANCES:

Patrick Anyanetu, in propria persona

DECISION AND RECOMMENDED ORDER  
OF ADMINISTRATIVE LAW JUDGE

On October 24, 2006, Patrick Anyanetu filed a charge against his Employer, Wayne County Community College, and a charge against his collective bargaining agent, the Wayne County Community College Federation of Teachers, Local 2000, pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216. The charges were assigned to Administrative Law Judge Julia C. Stern for the Michigan Employment Relations Commission.

Anyanetu's charge against the Respondent Employer alleges that it violated Sections 10(1)(a) and (c) of PERA by "trumping up charges" against him and suspending him for two college semesters beginning in the spring of 2005 because he had asserted his rights under the Respondents' collective bargaining agreement. In his charge against the Respondent Union, Anyanetu alleges that it violated its duty of fair representation under Section 10(3)(a)(i) in its handling of two grievances it filed over his suspension.

Under Rules 165(1) and (2) (c) of the Commission's General Rules, 2002 AACS, R 423.164(1) and (2)(c), an administrative law judge designated by the Commission may on his or her own motion recommend that a charge be summarily dismissed because it is barred by the applicable period of limitations. On October 25, 2006, I ordered Anyanetu to show cause in writing before

November 7, 2006, why his charge against the Respondent Employer should not be dismissed as untimely under Section 16(a) of PERA. In this same order, I pointed out that the Anyanetu's charge against the Respondent Union appeared to be identical to a previous charge filed by him against this same party in Case No. CU06 B-004. I directed Anyanetu to show cause why a hearing should be scheduled on his October 24, 2006 charge. Anyanetu did not file a response to my October 25, 2006 order.

Under Section 16(a) of PERA, the Commission does not have the authority to remedy unfair labor practices occurring more than six months before the date the charge is filed and served on the charged party. The limitation period under PERA commences when the charging party knows of the act that caused his injury and has good reason to believe that the act was improper. *Huntington Woods v Wines*, 122 Mich App 650, 652 (1983). The statute of limitations in Section 16(a) is jurisdictional and is not waived by a respondent's failure to raise it as a defense. *Walkersville Cmty Schs*, 1994 MERC Lab Op 582, 583. Anyanetu alleges that the Respondent Employer unlawfully retaliated against him for engaging in activity protected by the Act by suspending him for two semesters. The alleged unfair labor practice occurred sometime in the spring of 2005, but Anyanetu did not file his charge until October 2006. Anyanetu's charge against the Respondent Employer is untimely on its face, and I find that it should be dismissed on that basis.

Anyanetu has filed exceptions to my recommendation that Case No. CU06 B-004 be dismissed. Anyanetu was given the opportunity to explain how the charge he filed against the Respondent Union on October 24, 2006 differed from that charge but failed to do so. I find that Anyanetu's October 2006 charge should be dismissed as it merely restates the allegations in the earlier charge.

For reasons stated above, I recommend that the Commission issue the following order.

RECOMMENDED ORDER

The charges are dismissed in their entireties.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Julia C. Stern  
Administrative Law Judge

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

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<sup>1</sup> On October 23, 2006, I issued a Decision and Recommended Order recommending that the charge in Case No. CU06 B-004 be dismissed because Anyanetu twice failed to show up for his scheduled hearing. Anyanetu filed exceptions to my decision, and his exceptions are pending before the Commission.