

**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.

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**APPEARANCES:**

Moher & Cannello, P.C., by Steven J. Cannello, Esq., for the Public Employer

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

**ORDER ON REMAND**

This matter is before the Commission on remand from the Michigan Court of Appeals. The Commission issued a Decision and Order on December 27, 2005 finding that Respondent Chippewa County did not violate Section 10(1)(e) of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210(1)(e) and ordering that an election be held on the petition for decertification filed by Petitioner Susan Shunk. We concluded that Respondent did not breach its duty to bargain in good faith when it refused to vote on ratification of its tentative agreement with Charging Party American Federation of State, County and Municipal Employees, Council 25, Local 946 (AFSCME) after the decertification petition was filed. In an October 30, 2007 unpublished decision, the Michigan Court of Appeals affirmed in part and reversed in part our Decision and Order, and remanded the matter for further proceedings. The Court affirmed our finding that Respondent did not commit an unfair labor practice when it declined to vote on ratification of the tentative agreement pending resolution of the

decertification petition. However, the Court found that the tentative agreement effectively barred the petition for thirty days after negotiation and ordered that Respondent be given thirty days within which to vote on the agreement's ratification. The Court of Appeals decision is attached hereto and incorporated by this reference. In accordance with the Michigan Court of Appeal's decision, we issue the following Order:

**ORDER**

Respondent Chippewa County's Board of Commissioners has thirty days to take action on the original tentative agreement with Charging Party AFSCME. If Respondent's Board of Commissioners ratifies the agreement within that period, the agreement shall stand as the final agreement of the parties and the decertification petition shall be dismissed. However, if Respondent's Board of Commissioners rejects the agreement within the thirty-day period, or takes no action within the thirty-day period, the decertification petition shall be processed in accordance with our usual procedures.

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: \_\_\_\_\_