

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

In the Matter of:

COLDWATER COMMUNITY SCHOOLS,
Respondent - Public Employer,

Case No. C07 F-129

-and-

GLASS, MOLDERS, POTTERY, PLASTICS & ALLIED WORKERS,
Charging Party - Labor Organization.

APPEARANCES:

Thrun Law Firm, P.C., by Joe D. Mosier, Esq., for Respondent

Edward J. Bedocs, International Representative, for Charging Party

DECISION AND ORDER

On March 4, 2008, Administrative Law Judge David M. Peltz issued his Decision and Recommended Order in the above matter finding that Respondent has not engaged in and was not engaging in certain unfair labor practices, and recommending that the Commission dismiss the charges and complaint as being without merit.

The Decision and Recommended Order of the Administrative Law Judge was served on the interested parties in accord with Section 16 of the Act.

The parties have had an opportunity to review the Decision and Recommended Order for a period of at least 20 days from the date of service and no exceptions have been filed by any of the parties.

ORDER

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

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Christine A. Derdarian, Commission Chair

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____

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**DECISION AND RECOMMENDED ORDER
ON SUMMARY DISPOSITION**

Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, oral argument was held at Detroit, Michigan on January 11, 2008, before David M. Peltz, Administrative Law Judge for the Michigan Employment Relations Commission. Based upon the entire record, I make the following conclusions of law and recommended order on summary disposition.

This matter involves an unfair labor practice charge filed by the Glass, Molders, Pottery, Plastics & Allied Workers (the Union) on June 11, 2007. The charge, as later clarified by the Union, alleges that Coldwater Community Schools (the Employer) violated PERA by refusing to bargain over its May 21, 2007 decision to contract out janitorial services provided by the members of its bargaining unit.

A hearing was scheduled for January 11, 2008. On that date, I indicated to the parties that none of the allegations set forth by the Union appeared to state a valid claim against Respondent under PERA. Therefore, I concluded that dismissal of the charge was warranted under Rule 165, R 423.165 of the General Rules and Regulations of the Employment Relations Commission. However, Charging Party was given the opportunity for oral argument in accordance with *Smith v Lansing School District*, 428 Mich 248 (1987).

Ordinarily, the subcontracting of bargaining work constitutes a mandatory subject of bargaining. However, public school employers are subject to the restrictions of Section 15(f) of PERA, which prohibits a public school employer from bargaining over its decision to contract with a third party for non-instructional support services, as well as the impact of the contract on individual employees or the bargaining unit. See e.g. *Detroit Public Schools*, 17 MPER 14 (2004); *Coldwater Community Schools*, 2004 MERC Lab Op 244. There is no dispute that Charging Party's bargaining unit consists entirely of non-instructional personnel of a public school employer governed by Section 15(f) of the Act. I conclude that Respondent did not fail to meet its bargaining obligation in this matter and, therefore, recommend that the Commission issue the order set forth below.

RECOMMENDED ORDER

The unfair labor practice charge is hereby dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

David M. Peltz
Administrative Law Judge

Dated: _____