

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

In the Matter of:

MACOMB ACADEMY,
Public Employer-Respondent,

Case No. C09 I-173

-and-

MACOMB ACADEMY EDUCATION ASSOCIATION, MEA/NEA,
Labor Organization-Charging Party.

APPEARANCES:

Garan, Lucow, Miller, P.C., by Robert D. Goldstein and Thomas Paxton, for Respondent

Pear, Sperling, Eggan & Daniels, P.C., by Harvey I. Wax, for Charging Party

DECISION AND ORDER

On January 13, 2012, the Commission issued its Decision and Order in the above matter finding that Respondent, Macomb Academy (Employer), violated §10(1)(a), (c), and (e) of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.210(1)(a), (c), and (e). We ordered affirmative relief for Charging Party, which included requiring Respondent to make whole the injured employees by compensating them for wages lost due to Respondent's unlawful acts, with interest at 5% per annum.

On February 2, 2012, Respondent filed a motion to stay enforcement of our January 13, 2012 Decision and Order, asserting that our decision "is not supported by competent, material, and substantial evidence on the record." Charging Party filed a response to Respondent's motion on February 7, 2012, in which it asserts that MERC's rules do not authorize a motion for stay of a final decision by the Commission.

Respondent's motion is not supported by a brief and does not offer any basis for its allegation that our Decision is not supported by the record. Further, Respondent fails to provide legal support for its assertion that this Commission has the authority to grant a stay of enforcement of our January 13, 2012 Decision and Order. We find no circumstances that would warrant a stay of enforcement of our Order in this matter.

ORDER

Respondent's motion for stay of enforcement of this Commission's January 13, 2012 Decision and Order is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Edward D. Callaghan, Commission Chair

Nino E. Green, Commission Member

Christine A. Dardarian, Commission Member

Dated: _____