

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

In the Matter of:

FAUST PUBLIC LIBRARY,
Public Employer,

-and-

Case No. R09 D-053
Docket 12-000981-MERC

MICHIGAN AFSCME COUNCIL 25, AFL-CIO,
Labor Organization-Petitioner.

APPEARANCES:

Fausone Bohn, LLP by Michael M. McNamara, and Steven H. Schwartz & Associates,
PLC by Steven H. Schwartz, for the Public Employer

Tere M. McKinney, AFSCME Council 25, for the Petitioner-Labor Organization

DECISION AND ORDER REGARDING ELECTION

Pursuant to the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.201-423.217, this case was assigned to Doyle O'Connor, Administrative Law Judge for the Michigan Administrative Hearing System, acting on behalf of the Employment Relations Commission. Based upon the entire record, including the transcript of an evidentiary hearing and briefs filed by both parties, the Commission finds as follows:

The Petition and Prior Proceedings:

The election petition in this matter was filed in April of 2009, and sought to have Michigan AFSCME Council 25, AFL-CIO (the Union) selected to represent a unit of approximately thirty-nine employees in the Faust Public Library of Westland. A consent election agreement was entered into by the parties, providing that the proposed bargaining unit would include "all librarians, library assistants, pages, administrative assistant, technology coordinator and maintenance" and exclude the "director, secretary to the director, head of adult services, head of children services, head of circulation, and all other employees." An election was conducted on August 27, 2009, and AFSCME was rejected by a majority vote of the thirty-seven employees voting.

An unfair labor practice charge was pursued by the Union in Case No. C09 H-145 seeking remedies for claimed retaliation against three individuals and related to conduct

alleged to have interfered in employee free choice. That matter was tried before Administrative Law Judge (ALJ) Doyle O'Connor. In the lead up to the original election, the three main Union adherents in the workplace had been laid-off or terminated.

Following the trial on the unfair labor practice charges, the library director during the dispute departed employment. New members were elected to the Library Board and the Board unilaterally and unconditionally reinstated the three alleged discriminatees, including Lisa Hausman, who later became the focus of the present proceeding. A settlement of the prior unfair labor practice charge was reached that covered several issues including the election. The parties consented to holding a new election in which the Employer promised to remain neutral. The settlement agreement provided that four named employees would vote on challenged ballots and that "MERC shall determine their eligibility to vote, if necessary." At the time of the settlement, those individuals held the positions of secretary to the director, head of adult services, head of children's services, and head of circulation. Subject to the Commission's decision on the challenged ballots, the unit was to include the positions listed in the parties' 2009 consent election agreement.

The second election was conducted on May 23, 2012, with thirteen eligible voters selecting AFSCME and thirteen eligible voters casting votes against representation by AFSCME. There were three employees who cast challenged ballots: Marilyn Kwik, a librarian and head of adult services; Diane Mehl, a non-librarian and head of circulation¹; and Lisa Hausman, a librarian and head of children's services. The Employer asserted that each of the three employees were supervisors and, therefore, properly excluded from the unit. The challenged ballots were potentially outcome determinative.

There was additionally a position titled head of technology services. Despite the similarity in job title and shared position description to the three initially challenged positions, neither party claimed the incumbent department head for technology services was a statutory supervisor. There is only one employee in the technology services department, the head of technology services.

In proceedings before the Elections Officer, it was conceded by AFSCME that Kwik and Mehl were, as asserted by the Employer, supervisors with the actual power to hire and fire and, therefore, properly excluded from the unit. The Election Officer concluded that the only position in dispute was that of Hausman, as the parties agreed that the other two challenged voters were properly excluded from the unit, and in the absence of voluntary resolution, the matter was referred for an evidentiary hearing.

Position of the Parties:

The Employer asserted and the Union has conceded that two positions, titled head of adult services and head of circulation, actually possess the power to hire and fire and

¹ As a non-librarian, it appears that even if she had not been a supervisor, Mehl would not have been included in the unit as it was defined by the consent election agreement.

are, therefore, supervisory. The Union asserts that the head of children's services does not possess or exercise such authority and is, therefore, not a supervisor.

The Employer's post-election position statement filed with the MERC election officer reasserted the claim that all three positions are supervisory. The Employer additionally attempted to assert, in the alternative, that if any of the three are found to not be statutory supervisors, then all three must necessarily be held to not be supervisors.

The parties were advised by the ALJ prior to the evidentiary hearing that the Employer's attempt at an in-the-alternative argument did not appear to raise a triable factual issue as to the positions titled head of adult services and head of circulation, where both parties concur that the positions presently perform duties which establish that the positions are supervisors as the Commission has defined that term. The parties were further counseled that the Commission's independent determination as to supervisory status is, and must be, based on an actual controversy regarding the duties assigned to and performed by a particular disputed position.

Findings of Fact:

The ALJ determined that it was not necessary to take evidence related to the duties of the two uncontested supervisors, Mehl and Kwik, as there was no material dispute of fact. Nevertheless, the Employer was invited to and did make an offer of proof on the record. The Union did not counter that offer of proof as to the duties of Mehl and Kwik, and those asserted facts as to the duties performed by Mehl and Kwik remain uncontested.

The parties introduced a series of joint exhibits and the testimony of librarian and head of children's services Lisa Hausman and of the newly hired library director, Sheila Collins. Both witnesses testified credibly. No other witnesses were offered; the parties rested; and post-hearing briefs were filed.

Section XI of the Faust employee handbook provides job descriptions, including a generic description for department heads, which was updated in March of 2012, during the course of this dispute and as the parties were in the midst of settling the prior case. That generic description refers to a department head as working "under general administrative direction"; asserts that he or she "supervises assigned areas" of the library; "performs complex and technical professional library work"; and "supervises the department." Despite a seemingly comprehensive list of duties, none of the duties that we recognize as indicating supervisory status are listed. The job description for the department heads does not include hiring, firing, disciplining, or effectively recommending such action within the position's responsibilities or authority. The closest to describing a supervisory duty that is provided in the position description is that a department head "trains and evaluates department staff." On the other hand, it is clear that supervisory responsibilities have been expressly delegated by the Library's Board to the library director as the "essential functions" listed in the job description for that

position require that the library director: “recruits, selects, hires, supervises, evaluates, and terminates library staff.”

Section XI of the Handbook also contains a further position description titled “department heads-special functions limited to unique positions.” The department heads listed include adult services, children’s services, technical and circulation services, and technology services. That more specific position description concludes that the head of children’s services “supervises children’s programming.” The Employer stated at hearing that it does not assert that the head of the technology services department is a supervisor.

Hausman began her employment with Faust in September 2005 as head of the children’s services department of the library. She remained in that position until May of 2006, when she was appointed interim director of the entire library during the search for a new director. Hausman was the interim director until May 2007, when the new director began. At that point, Hausman resumed her former position of children’s department head, where she remained until her separation in June 2009. She was reinstated as head of the children’s department in January 2012 and laid off again in June 2012.

As children’s librarian, Hausman was in charge of programming for children, which includes such things as the selection of books and running a summer reading program. Upon her return in 2012, as before, Hausman was responsible for fitting existing staff into the schedule set by the library director. Her handling of that task consisted of asking for volunteers and then assigning herself to fill in gaps. The employee time cards are initialed by the department heads and then approved by the library director. In scheduling work, Hausman treated herself as a more skilled employee but, on a day to day basis, fungible with the para-professional library staff, whether it was in daily tasks or in special programs such as the summer reading program. Hausman literally worked side by side with the library associates and took the hours and tasks others didn’t volunteer for. Hausman, as a professional librarian, was responsible for selecting books and other materials for the children’s department and for determining the content of summer reading programs; that is, she selected the topics and books. When it came to scheduling summer reading program staff assignments, she sought out volunteers, based on her own professional judgment as to who best fit particular functions.

At the time of her 2012 layoff, Hausman was the only librarian in the children’s section with a master’s degree in library science. The remaining three or four staff are library associates with bachelor’s or associate degrees in relevant fields, or non-degreed pages who shelve books. Hausman was paid more than the library associates in the children’s department. However, she was the only librarian, and her status and the difference in pay rate derived from her professional standing. It is undisputed that Hausman has authority to make professional decisions regarding programming in the children’s section as is appropriate to her degreed status.

While Hausman did participate in the drafting of a strategic goals document for the library prior to her 2009 termination, that involvement did not distinguish her status. Over half the library's workforce participated in the process of drafting the goals.

Hausman neither hired nor fired any staff during her tenure as children's department head. When one staff person was hired for the children's department, Hausman was not part of the interview process and was not consulted on the decision. Hausman never disciplined or recommended the disciplining of any staff, but conceded she never thought any discipline was needed. Hausman was not involved in any pay review process; first, because a pay freeze had been in effect for some years, but also because even prior to the freeze, she had not been involved in the pay setting process and was not consulted regarding individual or across-the-board pay increases. She did not know the current actual rates of pay of other staff in the children's department. Hausman signed off on staff vacation time. However, she described it as a ministerial function, explaining that she had no control over whether or not vacation or sick time was taken. Hausman did sometimes do personnel evaluations of staff; however, there was no record evidence that the evaluations were actually relied on for any decision making purpose. Hausman did recommend that two part-time employees be given additional hours and that one of them be upgraded from part-time to full-time; however, that occurred prior to 2006 when Hausman's status at the Library was significantly different than at the time of the 2012 election.

Upon her return to work in 2012, Hausman did occasionally serve in the position of supervisor-in-charge in rotating four-hour shifts on any given day. The supervisor-in-charge was described as the "go-to person" for staff and patrons, whether the issue was a lost patron's purse or the need of a staff person to leave early for a doctor's appointment. Kwik and Mehl, who both parties concede are supervisors, also served shifts as supervisor in charge; however, so too did Sherry West, who was a clerical administrative assistant, Andy Schuck, who was a non-supervisory librarian, and Kristy Cooper, the non-supervisory head of technology. One month following the May 23, 2012 re-run election, Hausman was again laid off, along with one library associate in children's services and other employees previously assigned to other divisions within the library.

The only other witness was Sheila Collins, who was hired as director of the library in September of 2011, while Hausman was still terminated from employment and prior to Hausman's return in January of 2012. Collins, like Hausman, is a professional librarian. Collins has worked over twenty years as director of various libraries. Prior to the June 2012 layoffs, sixteen staff reported to Collins, eight reported to Kwik, seven reported to Mehl, and four employees were in children's services headed by Hausman. After Hausman was again laid-off, children's services staff began reporting to Kwik.

Although no new employees have been hired since she became director, Collins anticipated that if she were to do any hiring, the relevant department head would be made part of the process, doing such things as the initial screening of applications and interviewing candidates. Similarly, no employees had been fired or disciplined, but if there was to be discipline, Collins expected that the relevant department head would

make a recommendation. Collins insisted that a department head could make the decision to suspend or fire an employee, even though it had never occurred. She also speculated that if there had been overtime assigned prior to the time she was hired, it would have been approved by a department head. Collins' testimony regarding the above matters was premised on her experience at other libraries rather than on her brief tenure at Faust.

On Hausman's return to work in 2012, Collins told Hausman that her (Collins') expectations as to Hausman's duties were that the duties would be the same as they had been during Hausman's prior term of employment as head of children's services. Collins acknowledged that she had no idea what duties had actually been performed by the head of children's services before Hausman's termination in 2009, and admitted that she had not asked Hausman, upon Hausman's return in 2012, what duties her position had entailed.

Collins did recount an actual event involving the children's section. Two employees came to Collins with some inter-personal problems and Collins referred them back to Hausman. Collins told Hausman about it and suggested that Hausman sit down with the employees and try to work it out.

Collins met jointly twice a month with the department heads, although Hausman and the technology department head did not always attend. Collins asked each department head for their input on how many staff would be needed if the library were open forty hours a week instead of fifty-five hours per week and those recommendations were passed along to the library board.

Discussion and Conclusions of Law:

As we held in *City of Detroit*, 23 MPER 94 (2010):

The starting premise of any decision on a representation case must be a reaffirmation that the fundamental function of the adoption of PERA in 1965 was to recognize and codify the right of public employees to collectively designate an exclusive bargaining agent and to then compel their employer to deal with the workforce through the employees' collectively "designated or selected" representative, rather than individually. See MCL 423.209 & 423.211. PERA was enacted at the specific command of the people of Michigan, acting through their Constitutional Convention to adopt Const 1963, art 4, § 48. The statute was described by the Legislature as intended to "declare and protect the rights and privileges of public employees," with the fundamental Section 9 right being the right of employees to act through "representatives of their own free choice." MERC is "the state agency specially empowered to protect employees' rights." *Ottawa Co v Jaklinski*, 423 Mich 1, 24 n.10 (1985). The statute, as adopted, did not codify rights of employers or of

labor unions, other than as derivative of employee rights. Rather, the statute placed restrictions on the conduct of employers and unions.

While a representation matter is treated as a non-adversarial proceeding, to the extent that there is a burden of proof, it falls upon the proponent of exclusion of a position from the unit to present proofs, as here, of supervisory status such that inclusion of the position would be improper under the Act. *Lake Co & Lake Co Sheriff*, 1999 MERC Lab Op 107; *Antrim Kalkaska Cmty Mental Health*, 1998 MERC Lab Op 11, 15. Our decision making about unit placement is not, and cannot be, driven by the formal title given to a position by an employer, nor by speculation as to what duties such a position might be assigned at a hypothetical workplace. Unit placement is determined by the actual duties assigned to a particular disputed job classification or position at a particular workplace. Merely giving a job a title of “supervisor” or “department head” does not mean that the position necessarily meets the criteria of a supervisor under PERA. *City of Detroit, Dep’t of Pub Works*, 2001 MERC Lab Op 20, 23; *Wayne Co*, 1991 MERC Lab Op 219, 226.

The issue before the Commission is whether the record evidence establishes factually that Hausman, as head of children’s services, performs duties that make her a statutory supervisor. If she does, then her assigned position is not in the unit and her ballot must not be counted. If her actual duties are not those of a statutory supervisor, then her librarian position is one properly in the unit and her ballot must be counted. In this fashion, the right of the majority of the non-supervisory unit employees to select or reject an exclusive bargaining agent will be protected. It does not ultimately matter as to Hausman’s status whether other positions at the Library are, or are not, statutory supervisors; hers is the only position whose status has been challenged.

The Employer has asserted, and the Union has conceded, that the heads of the adult services and circulation departments are supervisors. The parties similarly agree that the head of the technology services department is not a supervisor. The parties disagree² on whether the librarian assigned as head of the children’s department is a statutory supervisor. All four positions are covered by the same job description for department heads.

In this instance, no evidence was introduced, or offered, by either party to contradict the repeated concession by both parties that the heads of adult services and circulation are supervisors and that the head of technology services is not a supervisor, despite being covered by the same job description. According to the joint job description, each of the aforementioned department heads, as well as the disputed head of children’s services, “supervises” their respective areas. The colloquial use of the term “supervises” in a document promulgated unilaterally by the Employer is not determinative of the status

² We note that a party has made assertions regarding the other party’s motive in its attempts to persuade us as to Hausman’s status. To the extent that the parties’ positions are motivated by something other than the particular duties and authority of the position at issue, those motivations are irrelevant to our decision. We decide whether the head of children’s services is included in the bargaining unit Petitioner seeks to represent solely on the basis of whether the position is a supervisor as we define that term under PERA.

of any of the four department heads. The parties themselves recognize this fact by the mutual distinctions they have drawn as to the four department heads.

A supervisor is one who possesses authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or to effectively recommend such action. *Village of Paw Paw*, 2000 MERC Lab Op 370, 373; *Kalkaska Co & Sheriff*, 1994 MERC Lab Op 693, 699. To qualify as a supervisor under PERA, an individual's responsibility to exercise authority in the foregoing functions must involve the use of independent judgment, including effective authority in personnel matters, with the power to evaluate employees and recommend discipline. *Butman Twp*, 2000 MERC Lab Op 13, 16-17. Effective authority in personnel matters means that the employee's superiors generally accept his or her recommendation without an independent investigation. *Id.* at 16. See also *Village of Port Austin*, 1991 MERC Lab Op 346, 348. A finding of supervisory status requires that an individual or classification exercise independent judgment and be identified or aligned with management in the performance of assigned duties. *Michigan Cmty Services, Inc.* 1994 MERC Lab Op 1055, 1060. See also *City of Lansing*, 1985 MERC Lab Op 93, 101.

The record evidence establishes that Hausman, during her tenure as head of children's services, never in fact exercised supervisory authority, not in the period prior to her termination in 2009, and not after her return in 2012. Hausman never disciplined any employee nor recommended that any employee be disciplined. While that fact could be attributed to the lack of need for employee discipline during the period, Hausman was likewise not involved in hiring employees. The sample is admittedly small, but when one employee was hired for the children's department during Hausman's tenure as department head she was not part of the interview process and was simply informed after the hiring had occurred. Although prior to becoming interim director in 2006, Hausman recommended that the hours of two part-time employees be increased and the hours of both employees were increased, there is no evidence in the record to suggest that Hausman's recommendations on these or other personnel matters were generally accepted without independent investigation.

There is no record evidence that Collins ever informed Hausman that she expected Hausman to participate in hiring, firing, or disciplining employees in the children's services department. The Employer's formal position description for department heads, including the specific description regarding the head of children's services, does not expressly assign such tasks. Hausman's testimony that she had never in fact been given or exercised such authority is without contradiction. It is uncontested that in the one rare hiring in the children's department that did occur, Hausman was merely informed of the decision after the fact and took no part in the interview, or in the decision making.

While Hausman was paid more than the library associates in the children's department, Hausman was the only librarian and her status and pay rate derived from her professional standing rather than any asserted supervisory authority. As we held in *Greenfield Donuts*, 1975 MERC Lab Op 993, the fact that an employee is paid a little

more and has some authority over assignments is not determinative of supervisory status and may be no more than a result of greater experience, or as here, greater credentials. Like with the head of technology services, the designation of Hausman as department head was, in essence, an honorific and did not signify nor establish actual supervisory authority.

Hausman did serve rotating four-hour shifts as supervisor-in-charge. The assignment of Hausman as occasional supervisor-in-charge is irrelevant to establishing supervisory status, for the simple reason that individuals who were clearly not statutory supervisors also served indistinguishably as supervisor-in-charge. The undisputedly non-supervisory clerical administrative assistant, other non-supervisory librarians, and the non-supervisory head of the technology department each served as supervisor-in-charge. The assignment was given to responsible professional level library employees and did not denote supervisory status. Commission precedent is clear that employees who merely act as substitute supervisors in the absence of the full-time supervisor are not excluded from nonsupervisory bargaining units. *Berrien Co Sheriff*, 1999 MERC Lab Op 177, 186-187; *Lapeer Co*, 1997 MERC Lab Op 149, 155; *Village of Jonesville (Police Dep't)*, 1989 MERC Lab Op 513, 516; *Melvindale Police Dep't*, 1975 MERC Lab Op 695, 698; *Model Neighborhood Inner City Drug Abuse Program*, 1975 MERC Lab Op 406, 408; *United Rent-All*, 1972 MERC Lab Op 378; *Eastern Michigan Univ*, 1972 MERC Lab Op 876, 887.

In *City of Detroit*, 1996 MERC Lab Op 282, 286, we held that an employee who is in charge of a group of employees is generally not found to be a supervisor unless the employee has an effective role in discipline or recommending discipline. Here, Hausman's position, in fact, has had no role in discipline. Responsibilities such as assigning and directing the work of subordinate employees, maintaining timecards, and granting time off, are insufficient to establish supervisory status. *Berrien Co Sheriff*, 1999 MERC Lab Op 177; *Saginaw Valley State Coll*, 1988 MERC Lab Op 533. The act of Hausman in initialing timecards, or noting in a ministerial fashion the fact that an employee has taken off sick time, does not connote supervisory authority. See, *Michigan State Univ*, 1999 MERC Lab Op 542, 547-548 (no exceptions); *Berrien Co Sheriff*, 1999 MERC Lab Op 177, 187.

Similarly, an individual in charge of a particular project or function, who determines how the work will be completed, which employees will do it, and ensures that it is completed properly, is not a supervisor unless the employee has an effective role in discipline and personnel matters. *Michigan Cmty Services, Inc*, 1994 MERC Lab Op 1055, 1060; *Village of Port Austin*, 1991 MERC Lab Op 346. Here, Hausman's workplace authority derives from her status as a specialized degreed professional rather than from actual authority in a labor relations or human resources sense. Hausman is a master's degreed librarian and the para-professional staff to whom she gives direction are not. Unlike the supervisory department heads, Hausman does not have authority over other librarians. It is her professional knowledge and skills, rather than supervisory authority or tasks, that set her apart in the children's department. It is well-established that employees who have training or instructional duties with regard to other employees, such as monitoring and reviewing their work, are not supervisory employees absent real

authority or power in a labor relations sense to effectively impact their employment status. *Livonia Pub Sch*, 1988 MERC Lab Op 1068, 1084-1085; *Kleen-O-Rama*, 1971 MERC Lab Op 88, 89-91.

The distinction between professional skills and the exercise of supervisory authority can be a close one, as in *Michigan State Univ*, 1999 MERC Lab Op 542 (no exceptions), where “stage managers” were asserted to be supervisors but found to be instead mere team leaders. In the *Michigan State Univ*, case, we found that stage managers routinely directed the work of lesser credentialed stage hands and even issued write-ups for routine infractions, but also worked side by side with the stage hands performing similar duties. Hausman certainly has higher status and authority over lesser credentialed staff, but that is premised on her being a more experienced craft employee or team leader, rather than possessing true supervisory authority. See also *Oakland Co Employees Union*, 1986 MERC Lab Op 455, 458-9; *City of Lansing*, 1985 MERC Lab Op 93, 102; *Saginaw Co Probate Ct Juvenile Div*, 1983 MERC Lab Op 954, 959.

Our decision in *Detroit Pub Sch*, 18 MPER 33 (2005), is also instructive. The issue there was whether a disputed position belonged with a supervisory unit or with a non-supervisory unit of “sub-foremen.” There can be a fine distinction between a statutory supervisor and a position that is a non-supervisory crew boss, but which exercises some authority over the work. There, we held that an individual is not a supervisor under PERA if her authority is limited to the routine direction of the daily work of other employees or making work assignments of a routine nature, citing to *Bloomfield Hills Sch Dist*, 2000 MERC Lab Op 363 and *Kalkaska Co & Sheriff*, 1994 MERC Lab Op 693. Hausman’s involvement in scheduling is no more than that of a typical crew boss. The schedule of her department is set by the library director. Hausman’s authority regarding scheduling is limited to fitting herself and three or four others into that schedule so that someone is always present.

A “supervisor” is an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. *MEA v Clare-Gladwin ISD*, 153 Mich App 792, 796-798 (1986); *City of Holland*, 2002 MERC Lab Op 40, 41; *Village of Paw Paw*, 2000 MERC Lab Op 370. See also, *Frenchtown Acquisition Co v NLRB*, 683 F3rd 298 (CA 6, 2012). Hausman’s duties are not supervisory. She was excluded from involvement in hiring. She never played a role in discipline or pay setting. While we have held that the possession of the actual authority to issue formal discipline, or to effectively recommend such discipline, is an important indicator of supervisory status, even if that authority is rarely exercised, the mere speculation that such otherwise unassigned authority might or should exist, based on the practice at other workplaces, does not suffice to connote actual supervisory status in a particular workplace. *Tuscola Intermediate Sch*, 2000 MERC Lab Op 226; *City of Detroit (DPW)*, 1999 MERC Lab Op 283; *City of Detroit*, 1996 MERC Lab Op 282; *Mesick Consol Sch*, 1988 MERC Lab Op 838. Hausman’s involvement in

scheduling was no more than routine and that of a team leader, slotting herself in amongst her peers, while performing similar work. Hausman was the leader for four employees while the head of adult services and the head of circulation were each responsible for twice as many. Hausman had additional authority as the only professional librarian in her department; however, her function was primarily planning programs and content in her professional capacity rather than having any significant human resources or labor relations function. Hausman's assigned duties do not rise above the level of crew leader and, as with the other professional librarians including those who similarly served as "supervisor in charge," her position is properly in the unit.

ORDER

We conclude that the position held by librarian Lisa Hausman as head of children's services does not qualify as a statutory supervisor and that, therefore, the challenged ballot cast by Hausman should be opened and counted with the election results then certified.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Edward D. Callaghan, Commission Chair

Robert S. LaBrant, Commission Member

Natalie P. Yaw, Commission Member

Dated: _____