

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

In the Matter of:

CHARTER TOWNSHIP OF ROYAL OAK,
Public Employer-Respondent,

-and-

RICHARD D. MILES,
An Individual-Charging Party.

Case No. C13 G-134
Docket No. 13-008108-MERC

APPEARANCES:

Richard D. Miles, appearing on his own behalf

DECISION AND ORDER

On September 24, 2013, Administrative Law Judge David M. Peltz issued a Decision and Recommended Order in the above matter finding that Respondent did not violate Section 10 of the Public Employment Relations Act, 1965 PA 379, as amended, and recommending that the Commission dismiss the charges and complaint.

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

Edward D. Callaghan, Commission Chair

Robert S. LaBrant, Commission Member

Natalie P. Yaw, Commission Member

Dated: _____

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
EMPLOYMENT RELATIONS COMMISSION**

In the Matter of:
CHARTER TOWNSHIP OF ROYAL OAK,
Respondent-Public Employer,

-and-

Case No. C13 G-134
Docket No. 13-008108-MERC

RICHARD D. MILES,
An Individual Charging Party.

APPEARANCES:

Richard D. Miles, appearing on his own behalf

**DECISION AND RECOMMENDED ORDER
ON SUMMARY DISPOSITION**

This case arises from an unfair labor practice charge filed on August 8, 2013, by Richard D. Miles against his employer, the Charter Township of Royal Oak. 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 charge was assigned to David M. Peltz, Administrative Law Judge (ALJ) for the Michigan Administrative Hearing System (MAHS), acting on behalf of the Michigan Employment Relations Commission (MERC).

In the charge, Miles alleges that the Township has violated the “Federal Fair Labor Act” by failing to compensate him for hours worked and that management has harassed him “for reasons [he is] not really sure of.” In an order issued on August 16, 2013, I directed Charging Party to show cause why the charge should not be dismissed for failure to state a claim upon which relief can be granted under the Act. The response to the Order to Show Cause was due by the close of business on September 9, 2013. To date, no response has been received, nor has Charging Party requested an extension of time in which to file such a response.

Discussion and Conclusions of Law:

The failure of a charging party to respond to an order to show cause may, in and of itself, warrant dismissal of the charge. *Detroit Federation of Teachers*, 21 MPER 3 (2008). In any event, accepting all of the allegations in the charge as true, dismissal of the charge on summary disposition is warranted.

With respect to public employers, the Act does not prohibit all types of discrimination or unfair treatment, nor does the Act provide a remedy for an employer’s breach of a collective bargaining agreement. Furthermore, it is not MERC's role to hear whistleblower claims,

allegations of discrimination on the basis of race, gender, religion, disability, national origin, wage and hour claims or other generalized claims of unfair treatment. The Commission's jurisdiction with respect to claims brought by individual employees against public employers is limited to determining whether the employer interfered with, restrained, and/or coerced a public employee with respect to his or her right to engage in union or other concerted activities protected by PERA. The charge against the Charter Township of Royal Oak does not provide a factual basis which would support a finding that Miles engaged in union activities for which he was subjected to discrimination or retaliation in violation of the Act. Therefore, dismissal of the charge against the Charter Township of Royal Oak in Case No. C13 G-134; Docket No. 13-008108-MERC is warranted.

Despite having been given ample opportunity to do so, Charging Party has failed to set forth any facts which, if proven, would establish that the Charter Township of Royal Oak violated PERA. Therefore, I recommend that the Commission issue the order set forth below.

RECOMMENDED ORDER

The unfair labor practice charge filed by Richard D. Miles against the Charter Township of Royal Oak in Case No. C13 G-134; Docket No. 13-008108-MERC is hereby dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

David M. Peltz
Administrative Law Judge
Michigan Administrative Hearing System

Dated: September 24, 2013