

## UNFAIR LABOR PRACTICE CHARGE

Local 502 is an affiliate and subordinate body of the Service Employees International Union ("SEIU"). Under SEIU's Constitution, the International Union has authority to take such legal action as it deems necessary to protect its Locals and their membership, including membership of Local 502. This charge is being filed to protect the membership of Local 502 from the Wayne County Sheriff's Department's ("Employer") actions to force a bad contract down their throats and to manipulate the members to vote against the SEIU in a decertification election.

On March 6, 2008 a Petition For Decertification was filed with the Michigan Employment Relations Commission ("MERC") by the Police Officers Association of Michigan ("POAM"). POAM claims in this petition that it possesses the requisite percentage of support of unit employees of the Wayne County Sheriff's Department. MERC conducted a hearing (Case No. R08 E-077) and subsequently scheduled a mail ballot election. The ballots for this election are scheduled to be mailed on **Monday, October 6, 2008**.

On September 24, 2008 representatives of the Employer called a meeting with a select group of Local 502 representatives including Mike Royal, Greg Hattaway, Robert MacDonagh and Tim Calhoun. In attendance on behalf of the Employer was Mark Dukes, Jim Olicinski, Tim Taylor and Robert Dickerson.

During this meeting, the Employer made numerous demands and threats to immediately lay off a considerable number of unit employees if selected Local 502 representatives did not immediately capitulate to their demands. Local 502 was coerced into bargaining with the Employer out of fear that the Employer would in fact conduct immediate layoffs. Late into the evening, Local 502 was forced into signing a temporary agreement because of the Employer's threats. This temporary agreement includes the Employer's demands. **The Employer's coercive conduct and bad faith bargaining is a clear violation of the Act.**

Even after reaching a tentative agreement, the Employer continued to issue threats to Local 502. In an October 1, 2008 letter, Robert Dickerson repeated the Employer's threat of imminent layoffs if a contract was not reached and now claimed that approximately 250 Local 502 members would lose their jobs if they chose not to ratify the Temporary Agreement. Coincidentally, the ratification vote is scheduled for **Monday, October 6, 2008**, the same day as ballots are to be mailed in the decertification election.

Additionally, the Employer's act of bargaining with Local 502 during the decertification period is a clear violation of Sec. 10(1)(a)(b). Under PERA, a public employer may not bargain with, and may not contract with, any organization other than the one representing a majority of employees. See *Fenton Area Public Schools* 1987 MERC Lab Op 830, 835. Clearly, POAM's decertification petition put the Employer on notice that a question concerning Local 502's majority status existed. The Employer ignored the law and forced a bargaining session on Local 502 representatives in violation of the Act. **Bargaining under these circumstances allows the Employer to whipsaw the employees by forcing them to pick one of two bad choices: a bad contract or decertification.** The Employer could not have been any more blatant in its

interference with the administration of a labor organization in violation of Section 10(1)(a)(b) of the Act.

The Employer's bad faith bargaining and threatening treatment of its employees has created an environment of anger, frustration and confusion among unit employees. Moreover, employees are now forced to decide whether to ratify an illegal contract or risk the threat of a mass lay off. They face this choice at the exact same time they are being asked to vote for their exclusive bargaining representative. The Employer's bargaining tactics have undermined employee rights to bargain a contract free from coercion and interference. The Employer's illegal acts have undermined employee rights to choose their bargaining representative free from Employer coercion and interference. The Employer's blatant disregard for the law and the collective bargaining rights of employees has interfered with the laboratory conditions necessary to ensure a free and fair representation election. Postponing the mailing of election ballots is the only adequate method of remedying the Employer's illegal acts.

**SEIU is determined to do everything possible to empower its members to get fair contracts, fair bargaining and good representation and we will not stand idle when Employers act to strip them of these rights.**

The Charging Party respectfully requests that the election in Case No. R08 E-077 be held in abeyance until the unfair labor practices have been remedied.