

**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION**

In the Matter of:

REGENTS OF THE UNIVERSITY OF MICHIGAN,
Public Employer,

MERC Case No. 21-C-0630-RC

-and-

UNIVERSITY OF MICHIGAN PROFESSIONAL
NURSE COUNCIL, INDEPENDENT UNION,
Petitioner-Labor Organization,

-and-

MICHIGAN NURSES ASSOCIATION and its
UNIVERSITY OF MICHIGAN PROFESSIONAL NURSE COUNCIL,
Incumbent-Labor Organization.

APPEARANCES:

David J. Masson, University of Michigan, Senior Associate General Counsel, for the Public Employer

Miller Cohen, PLC, by Robert D. Fetter, for the Petitioner

Andrew Smith, MNA General Counsel, and Nickelhoff & Widick, PLLC, by Andrew Nickelhoff, for the Incumbent

DECISION AND DIRECTION OF ELECTION

Pursuant to the provisions of § 12 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.212, this petition for a representation election was filed on March 17, 2021, by the University of Michigan Professional Nurse Council, Independent Union (UMPNC-Independent Union). In the petition, the UMPNC-Independent Union seeks to represent a bargaining unit which is currently represented for purposes of collective bargaining by the Michigan Nurses Association (MNA) and its University of Michigan Professional Nurse Council (UMPNC). The petition was assigned for hearing to David M. Peltz, Administrative Law Judge (ALJ) for the Michigan Office of Administrative Hearings & Rules (MOAHR).¹

¹ MOAHR Hearing Docket No. 21-008249-MERC

We have reviewed the record in this matter, including the letter issued by Sidney McBride, Director of the Bureau of Employment Relations (BER) on June 21, 2021, and the transcript of the prehearing conference held by ALJ Peltz on June 24, 2021, and have determined that there are no disputed questions of fact requiring an evidentiary hearing on the petition. At the prehearing conference, the Incumbent raised a host of issues that either have already been fully addressed administratively by Director McBride or which constitute procedural issues to be resolved by BER prior to the election. Most recently, on July 9, 2021, the Incumbent filed a Motion to Dismiss the representation petition, along with a supporting brief. We have carefully considered the arguments made in this filing and find that there are no new factual or legal issues raised which would alter our determination concerning the appropriateness of directing an election in this matter.

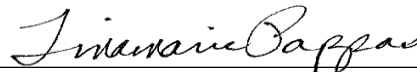
DIRECTION OF ELECTION

Based upon the findings and discussion above, we conclude that a question of representation exists within the meaning of Section 12 of PERA. In accord with the above discussion, we shall direct an election amongst the following employees:

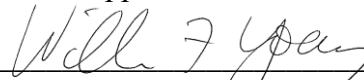
All full-time and regular part-time and per diem registered professional nurses employed by the University of Michigan at all facilities, including Graduate Nurse, RN Level A, RN Level C, RN Level D, RN Level E, RN Level F, Clinical Care Coordinator, Educational Nurse Coordinator, Flight Nurse Specialist, RN Case Manager, Clinical Nurse IV, Clinical Nurse Specialist, Clinical Nurse Consultant, Educational Nurse Specialist, Nurse Practitioner, Certified Nurse Midwife, Certified Registered Nurse Anesthetist, RN Per Diem Non-Ambulatory Care, RN Per Diem Ambulatory Care, RN Per Diem Expanded Role, and graduates of a registered nursing program pending licensure by the State of Michigan as a Registered Nurse, but excluding Nursing Supervisors, Nursing Managers, Nurse Supervisors, Clinical Nursing Directors, all other supervisors, instructional staff and all other employees.

The above-described employees shall vote whether they wish to be represented for purposes of collective bargaining by the University of Michigan Professional Nurse Council, Independent Union; or by the Michigan Nurses Association and its University of Michigan Professional Nurse Council; or by neither of these organizations.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION



Tinamarie Pappas, Commission Chair



William F. Young, Commission Member

Issued: July 13, 2021