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June 10, 2021

via email to Merc-ulps@michigan.gov

Sidney McBride, Bureau of Employment Relations
Michigan Employment Relations Commission
3026 W. Grand Blvd., Suite 2-750
Detroit, MI 48202

Re: Attached unfair labor practice charge filed by Michigan Nurses Association and University of Michigan Professional Nurse Council against Regents of the University of Michigan

Dear Director McBride:

The Michigan Nurses Association (“MNA”) and the University of Michigan Professional Nurse Council (“UMNC”) have filed the attached unfair labor practice charge against the Regents of the University of Michigan today. This letter is to request that the charge be treated as a blocking charge in connection with the pending Petition in Case No. 21-C-0630-RC.

The RC petition was filed by “University of Michigan Professional Nurse Council, Independent Union” (hereinafter “the Former Officers”) on March 17, 2021. MNA and UMPNC filed a Motion to Intervene and a Motion to Dismiss the Petition on March 24, 2021. MNA and UMPNC filed a ULP Charge against the Employer on March 25, 2021, alleging that the Employer violated Sections 10(1)(a) and (b) by providing the Former Officers favored access to employees through the University’s email list-serve and computer system while denying such access to MNA and UMPNC. (Case No. 21-C-0781-CE). You assigned these matters to Judge Peltz (along with a Charge filed by the Former Officers against the Employer on January 29, 2021, alleging that the Employer unlawfully refused to grant their demands for recognition, Case No. 21-A-0204-CE).

MNA and UMPNC believe that the violations stated in the enclosed Charge, together with those set forth in the previous Charge, Case No. 21-C-0781-CE, warrant the suspension of proceedings on the RC petition until the Charges are adequately investigated and assessed. Both of these Charges contain supported allegations indicating that the employer’s actions have interfered with the laboratory conditions necessary for a fair determination the employees’ choice. We

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also believe that there are compelling legal issues before the Bureau that should be resolved before an election is ordered. First, a decision in the Charging Parties' favor on the ULP Charge in Case No. 21-A-0204-CE, which the Former Officers brought in the name of UMPNC and as to which the Court of Claims denied their request for a Section 16(h) injunction, could obviate the need for an election.¹ The Former Officers have not withdrawn that Charge.

Second, MNA's and UMPNC's Motion for Dismissal of the Petition remains pending. This Motion raises significant legal issues regarding the validity of the Petition, including the legitimacy of the proffered showing of interest in light of the fact that the cards submitted were in support of University of Michigan Professional Nurse Council, and the confusion among employees resulting from the Former Officers' false and fraudulent misrepresentations, continuing over many months, that they have remained officers and members of UMPNC, among others.

MNA and UMPNC acknowledge and respect the importance of the Act's provisions establishing employee free choice in the selection of a bargaining representative. In fact, it is in support of those democratic principles that MNA and UMPNC have raised these significant legal issues in these extraordinary circumstances where the Former Officers' unlawful actions have tainted the conditions necessary for a fair election.

Yours truly,



Andrew Nickelhoff

encl.

cc: Andrew Smith
David Masson
Robert Fetter

¹ *University of Michigan Professional Nurse Council v Regents of the University of Michigan*, (Court of Claims Case No. 21-000019-MZ, Hon. Cynthia Diane Stephens), Opinion and Order denying motion for TRO, Attachment B to Motion for Dismissal of Petition). Judge Peltz conducted a hearing on MNA's Motion for Summary Disposition on this Charge on April 15, 2021.