

Michigan
Council 25

AFSCME

We Make Michigan Happen

American Federation of State, County and Municipal Employees, AFL-CIO

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ALERT

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Update on 36th District Court 2005 Furlough Days:

Awaiting Decision by Court of Appeals

Michigan AFSCME Council 25 won a judgment against the 36th District Court, in April 2008. In the summer of 2005, the Court sought to close the Court for one day per week. It approached the Union, seeking its agreement to the change. The Local leadership decided not to agree to the one day furlough, so the Court decided to close on Fridays anyway. This action violated the AFSCME-Court contract, which mandates that the workweek is five consecutive days.

AFSCME filed a charge against the Court. In April 2006, we received a recommended judgment in our favor from the MERC, from its Administrative Law Judge. In April 2008 we received a favorable judgment from MERC itself. The District Court appealed this judgment to the Court of Appeals. Two weeks ago, the Court of Appeals heard oral argument on the issue.

Now we await a decision from the Court of Appeals on the appeal. We do not know when the Court of Appeals will rule on the issue; it could be a few weeks or some months. Once the Court of Appeals rules, the losing side can seek permission to appeal to the Michigan Supreme Court. Unfortunately, this has not been a speedy process, litigating this dispute in the state labor board, and then in the appellate courts. However, we will continue the fight, in order to make sure that the affected employees receive their money.

The District Court has indicated that this award could amount to more than one million dollars. If we are successful in the appellate courts, and we hope to be, the money will be distributed to the employees who lost work hours during the summer of 2005, based upon the Friday furloughs. The outcome in the appellate courts could be good

or bad for us; we await the ruling of the three appellate judges. We could win or lose.

Last year, once it lost in MERC, the District Court sought to settle the dispute with AFSCME. There were a total of 20 days that employees lost due to the 2005 furlough. The District Court proposed to pay out one-half of the money to the affected employees, and then provide the other half of the money in vacation days. Also, the District Court offered to pay interest on what was owed in the amount of two days, which would be paid in vacation days. According to the offer, the additional vacation days would not be counted against your maximum vacation day allowance, and would positively impact your final average compensation (pension) for those employees within the state retirement system.

The proposed settlement offer would work out as follows: An employee who made about \$30,000 per year, would be paid 10 days in a cash payment, which would amount to a cash payment of about \$1,153.85 (minus taxes). That person would also have 12 vacation days placed into their bank (10 days plus 2 days of interest).

You may have heard about other Court employees receiving their payouts from the furlough days. AFSCME members have not received a payout from the furlough days because the AFSCME Local has decided to decline the Court's offer of settlement (explained above) and has not offered a counter offer. The Local has elected instead to await the ruling of the appellate courts.

You may contact us with any questions that you have. If there are any new developments on this issue, we will keep you informed.

Danny Craig.