

Michigan
Council 25

AFSCME

We Make Michigan Happen

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

Albert Garrett, President

ALERT

Lawrence A. Roehrig, Secretary-Treasurer

Update on ASA Payments: Good News!

To: Members of Wayne County supervisory and non-supervisory locals

On October 06, 2009, AFSCME Council 25 appeared for a hearing before the Michigan Employment Relations Commission regarding its unfair labor practice charge alleging that Wayne County violated state law when it failed to provide AFSCME members with a previously agreed upon two percent Annual Service Adjustment (ASA). This wage adjustment was due on June 01, 2009 pursuant to the 2004-2008 collective bargaining agreement.

The ASA for 2009 was agreed upon because they were waived for the term of the 2004 -2008 collective bargaining agreement. The union believed that the issue of the ASA's were resolved and agreed to; at least until a new collective bargaining agreement was agreed upon. Wayne County rescinded the agreement and refused to pay the ASA.

Wayne County was prepared to argue and present evidence that the parties reached impasse on the issue of ASA payments and was able to cancel the contractual provision on May 14, 2009. AFSCME Council 25 hired the attorneys at Miller Cohen P.L.C. to present the case. Council 25 argued that it was not an impasse issue and the employer simply refuses to recognize its prior to agreement to pay the ASA's.

The Administrative Law Judge stated that he agreed with Council 25's position and cancelled the hearing. He stated that he did not need any additional facts because the parties agree that they agreed to pay the ASA on June 01, 2009 and the employer did not pay. He stated that he was very likely to rule in the Union's favor but gave the employer an opportunity to present written legal arguments that may change his mind. He ordered that Wayne County review the applicable law on this issue and indicate within 15 days whether they will continue with their defense of the charge.

There is no final decision on this matter and it will be several months before a final written decision is rendered. However, based on the Judge's comments on the record, it seems that he is leaning heavily toward the Union in this matter.

AFSCME Council 25 and the bargaining committee continue to negotiate with Wayne County to come to an agreement with the non-supervisory bargaining unit. Council 25 has petitioned for the assistance of a State Mediator and a Fact Finder. Although the supervisory bargaining unit has come to an agreement with the employer, they may also gain some monetary relief in a favorable ruling.

Council 25 will keep you updated as to the progress of bargaining and the issue of the ASA payments.