

State board could declare U-M strike illegal: Who is on the Michigan Employment Relations Commission?

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We want to hear from you: Fill out the form at the end of this article to tell us what you think about the grad student workers' strike, the strikebreaking threats of the university and the conditions facing students and campus workers.

One week ago, David M. Peltz, administrative law judge for the Michigan Office of Administrative Hearings and Rules (MOAHR), ruled that the strike by 1,300 members of the Graduate Employees' Organization (GEO) at the University of Michigan (U-M) that began on March 29 is illegal.

The ruling was in response to an unfair labor practice filing by the U-M administration. Peltz is recommending that the Michigan Employment Relations Commission (MERC) declare the walkout by graduate students a breach of a no-strike provision negotiated by GEO in the previous collective bargaining agreement with the university.

Peltz's decision says GEO "is contractually obligated to refrain from causing, instigating, supporting or encouraging any 'concerted interference with the operation of the University' including the 'failure, in whole or part, to fully, faithfully, and properly perform the duties of employment.'"

According to a report in *The Michigan Daily*, published shortly after Peltz's decision, Amir Fleischmann, chair of the Contracts Committee of the GEO, wrote in an email, "We will appeal the (administrative law judge's) recommended decision to the entire commission, until which time the order is not final."

MERC is scheduled to meet on April 28 and issue a decision on the matter. One way or the other, the graduate students' struggle for a living wage has become a direct political conflict with both the Democratic Party representatives on the U-M Board of Regents and the administration of Michigan Governor Gretchen Whitmer, who is responsible for the appointment of Peltz and the MERC commissioners.

This means the striking graduate assistants are on a collision course with the American Federation of Teachers (AFT) and its president, Randi Weingarten, a member of the Democratic National Committee, and the leadership of the AFT-affiliated GEO, which is dominated by the Democratic Socialists of America, a faction of the Democratic Party.

World Socialist Web Site pointed out last week, in the aftermath of the abrupt shutdown by the AFT of the Rutgers University strike, there should be no illusions that the union at U-M will wage the kind of struggle that is required. The fact that the AFT-GEO has dropped the demand for a 60 percent wage increase for striking graduate student instructors, who currently receive a poverty wage of \$24,000 a year, is an indication that a betrayal is being prepared.

According to the State of Michigan's website, MERC is part of the Department of Labor and Economic Opportunity and is under the Bureau of Employment Relations. It is a bureaucratic instrument within the state government, established in 1939 after the Flint sit-down strike and other mass labor struggles, to ensure that the interests of the employers are protected.

MERC administers the Public Employment Relations Act (PERA), which covers public employees, and the Labor Relations and Mediation Act (LMA), which covers private-sector workers.

Over the decades, the primary function of MERC has evolved into facilitating the joint efforts of the union apparatus and the employers to divert struggles of workers into the dead-end of unfair labor practice filings. The unions have increasingly used such filings as a means of blocking strikes while they work with the employers and the government behind the backs of their members to negotiate concessionary contracts that include no-strike clauses.

The contract fight last spring and summer by nurses against unbearable understaffing and forced overtime at Michigan Medicine, the University of Michigan's hospital and health care system, was diverted by the Michigan Nurses Association (MNA) and its Ann Arbor affiliate, the University of Michigan Professional Nurse Council (UMPNC), into a MERC unfair labor practice filing.

Even though nurses voted overwhelmingly for strike action against the hospital, the MNA-UMPNC told nurses that a walkout was illegal—due to a previously negotiated no-strike clause—and blocked any action from taking place. In the end, the union and Michigan Medicine signed a contract that did not address any of the nurses' demands. The sellout agreement was

foisted upon the nurses and promoted as a “victory,” while the unfair labor practice case was “dismissed as moot.”

As with the present situation at U-M, when public employees do go on strike, the combined resources of MERC and the unions are used to shut them down and undemocratically push through agreements that force workers back on the job without their demands being met.

It is significant that, according to a 2022 MERC annual report, administrative law judge David Peltz has been hearing cases on behalf of the commission for the past 22 years. Previously, he was employed as a legal specialist for MERC and was a contributor to and assistant editor of the commission publication, *Guide to Public Sector Labor Relations in Michigan*.

This document states, “Strikes by public employees in Michigan are illegal,” according to the Hutchinson Act of 1947. However, the MERC document fails to mention that there have been hundreds of walkouts by public employees since the law was passed, the majority of which involved educational personnel, including dozens of strikes by public college and university staff. Peltz’s selection as an administrative law judge was made by Katie Wienzewski, the director of MOAHR, who was appointed by Governor Whitmer.

These facts show that Peltz is part of the state bureaucracy and his relationship to MERC is one of collaboration against the striking graduate assistants. His administrative law decision declaring the GEO strike illegal is aimed at smothering the demands for a living wage and safeguarding the financial concerns of the University of Michigan administration.

A review of the current MERC commissioners shows that they were both appointed by Governor Whitmer. Although the MERC rules specify that there should be three commissioners, with no more than two from any one party, there are currently only two members, and they are both Democrats.

William F. Young was originally appointed by Governor Whitmer to MERC in 2021. He is a retired former shareholder attorney for White Schneider Young & Chiodini, PC, where he worked for nearly three decades. Young is a seasoned lawyer who has represented unions before federal courts and administrative agencies. He has appeared in almost every circuit court in Michigan, as well as the Michigan Court of Appeals, the Michigan Supreme Court, the U.S. District Courts for the Eastern and Western Districts of Michigan, the U.S. Circuit Court of Appeals for the Sixth District and the National Labor Relations Board.

Tinamarie Pappas was appointed by Governor Whitmer as a member of MERC effective August 24, 2020. She is the current chair of the commission. Pappas began her career as a trial attorney for Region 7 of the National Labor Relations Board, where she worked from 1987 to 1995. She became a partner in the law firm of Rose, Weber, & Pappas. She has 33 years of experience in all aspects of labor law, including legal proceedings before state and federal courts and representation

case proceedings before the NLRB and MERC, arbitration hearings and the negotiation of collective bargaining agreements.

Both Young and Pappas are long-time lawyers and experienced members of the institutions of the state. They have extensive connections with the Democratic Party, capitalist business owners and the trade union apparatus. They are not impartial representatives who will make decisions based on what is fair and equitable for graduate assistants, but will act to uphold the interests of the University of Michigan administration, which itself is tied to the US military, the intelligence agencies and Wall Street.

The confrontation of the graduate instructors with the state government in Lansing can only be addressed through the independent organization of workers against both the university and the government. This is the content of the call by the International Youth and Students for Social Equality (IYSSE) and the *World Socialist Web Site* for the formation of a rank-and-file strike committee to end the AFT-GEO-imposed isolation of the strike and mobilize the university staff and student body, and the wider working class, behind the strikers.

The demands and interests of rank-and-file academic workers are clashing directly with the university administration, the Democratic Party and the capitalist ruling elite. The Democrats are waging unrelenting attacks, along with the Republicans, on the conditions of workers in every occupation and, at the same time, escalating the danger of world war with Russia and China as part of the drive by the US to establish hegemonic control of the entire world.

The IYSSE will lend full support to any rank-and-file U-M grad students who wish to form a strike committee and take up a serious struggle over these issues. We urge you to fill out the form below and contact us today to take forward this fight.



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