



FIRST AMENDED CHARGE

Michigan Department of Licensing and Regulatory Affairs
Employment Relations Commission (MERC)
Labor Relations Division
313-456-3510

Docket No. 18-012970-MERC Authority: P.A. 380 of 1965, as amended. Case No. C18 F-053

INSTRUCTIONS: File an original and 4 copies of this charge (including attachments) with the Employment Relations Commission at: Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, PO Box 02988, Detroit MI 48202-2988 or 611 W. Ottawa St, 2nd Floor, PO Box 30015, Lansing, MI 48909. The Charging Party must serve the Charge on the opposing side within the applicable statute of limitations, and must file a statement of service with MERC.
(Refer to the "How to File a Charge" document under the "Forms" link at www.michigan.gov/merc.)

Complete Section 1 if you are filing charges against an employer and/or its agents and representatives. —or—
Complete Section 2 if you are filing charges against a labor organization and/or its agents and representatives.

1. EMPLOYER AGAINST WHICH THE CHARGE IS BROUGHT Check appropriate box: Private Governmental

Name and Address:

University of Michigan Hospital / Med Center
2901 Hubbard, SPC 2435
Ann Arbor, MI 48109

2. LABOR ORGANIZATION AGAINST WHICH THE CHARGE IS BROUGHT

Name and Address:

3. CHARGE

Pursuant to the ~~Labor Mediation Act (LMA)~~ or Public Employment Relations Act (PERA) ~~(cross out one)~~, the undersigned charges that the above-named party has engaged in or is engaging in unfair labor practices within the meaning of the Act.

On an attached sheet you must provide a clear and concise statement of the facts which allege a violation of the LMA or PERA, including the date of occurrence of each particular act and the names of the agents of the charged party who engaged in the complained of conduct. The charge should describe who did what and when they did it, and **briefly** explain why such actions constitute a violation of the LMA or PERA.

The Commission may reject a charge for failure to include the required information. However, it is not necessary to present your case in full at this time. Documentary material and exhibits ordinarily **should not** be submitted with this charge form.

4. Name and Address of Party Filing Charge (Charging Party)
(if labor organization, give full name, including local name and number)

Michigan Nurses Association - 2310 Jolly Oak Road, Okemos, MI 48864

Telephone Number:

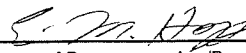
(517) 349-5640

5. List ALL related MERC case(s) (if any): _____
(Name of parties)

Case No.: _____ Judge: _____

Case No.: _____ Judge: _____

I have read this charge and it is true to the best of my knowledge and belief.



Signature of Representative/Person Filing Charge

Email:
ehopper@whiteschneider.com

Telephone/Cell No.:
517-347-7217

Print Name and Title:
Erin M. Hopper, Attorney (P74336)

Fax No.:
517-349-8295

Street Address:
1223 Turner Street, Suite 200

City: Lansing

State:
MI

Zip Code: 48906

The Department of Licensing and Regulatory Affairs will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

FIRST AMENDED CHARGE

3. Respondent University of Michigan Hospital/Med Center has violated Sections 10(1)(a), (b), (c) and (e) of the Michigan Public Employment Relations Act ("PERA" or "Act") in that:

- (a) Charging Party, Michigan Nurses Association, is the sole and exclusive bargaining representative for all professional nurses employed by Respondent at all facilities.
- (b) Since January 2018, the parties have been bargaining over a successor agreement to the current collective bargaining agreement that expired on June 30, 2018.
- (c) The Respondent has discriminated against employees for engaging in protected speech by selectively prohibiting particular union messages on T-shirts and buttons, in violation of the Act.
 - (1) Beginning on or around May 16, 2018, the Respondent's managers and other administrators have prohibited bargaining unit members from wearing red T-shirts that read "Fighting for a Fair Contract for the Good of Nurses and Patients," and "For the Good of Nurses and Patients."
 - (2) Respondent's managers and other administrators have given varying reasons why these T-shirts are not allowed, including but not limited to, that the message is "political" and/or "not neutral." Some of Respondent's managers and administrators have stated that the T-shirts constitute prohibited "solicitation" in a work area.
 - (3) Respondent has a long-standing practice of allowing other political and/or non-neutral content in work areas, including in patient care areas. Respondent continued to allow such other content to be worn by bargaining unit members, while prohibiting some, but not all, union messages.
 - (4) Bargaining unit members have also been wearing red buttons that state, "Where's the graham crackers?," and feature an image of a graham cracker under a magnifying glass. Charging Party created and handed these out to bargaining unit members as part of the union's message during collective bargaining agreement negotiations.

- (5) At least some of the bargaining unit members have been told that they are not allowed to wear the graham cracker buttons because "the message isn't 'neutral'." The bargaining unit members were directed to remove the buttons.
- (d) The Respondent maintains an overly broad dress and appearance policy that interferes with employees exercising their rights under the Act, in violation of Section 10(1)(a) of the Act.
- (e) The Respondent maintains an overly broad solicitation policy that interferes with employees exercising their rights under the Act, in violation of Section 10(1)(a) of the Act.
- (f) The Respondent has unilaterally implemented a new dress code without bargaining with Charging Party, in violation of Sections 10(1)(a) and (e) of the Act.
- (g) The Respondent has interfered with the employees' exercise of their rights Section 9 rights, dominated or interfered with the administration of a labor organization, and discriminated with regard to conditions of employment by refusing to allow bargaining unit members to wear union messages, in violation of Sections 10(1)(a), (b) and (c) of the Act.

WHEREFORE, Charging Party respectfully requests that the Michigan


Employment Relations Commission:

1. Hold an evidentiary hearing in this matter;
2. Issue an Order finding that Respondent violated of Sections 10(1)(a), (b), (c) and (e) of the Act;
3. Issue an Order directing Respondent to cease and desist from interfering with, dominating, and discriminating against Charging Party, and to immediately allow all bargaining unit members to wear union insignia and other communications during work time;
4. Issue an Order requiring Respondent to post appropriate notices of its violations of the Act and its intention to renounce such conduct in the future, in conspicuous places throughout the University, including its webpage and in newspapers of general circulation throughout the community; and

5. Grant such other relief and take such affirmative action as this Commission deems just and equitable, and which will effectuate the policies of the Public Employment Relations Act.

Respectfully submitted:

WHITE SCHNEIDER PC
Attorneys for Charging Party

By: 
Erin M. Hopper (74336)

Dated: August 10, 2018