

STATE OF MICHIGAN
COURT OF APPEALS

WAYNE COUNTY,

Respondent-Appellee/Cross-
Appellant,

v

ROBERT J. SKRZYPCZAK, JR.,

Charging Party-Appellant/Cross-
Appellee.

UNPUBLISHED
December 21, 2010

No. 292430
MERC
LC No. 07-000092

Before: WHITBECK, P.J., and ZAHRA and FORT HOOD, JJ.

FORT HOOD, J. (*concurring*).

I join in the majority opinion, but write separately to address the reversal of the holding of the Michigan Employment Relations Commission (MERC) that Wayne County violated the Public Employment Relations Act (PERA) by instructing charging party Robert J. Skrzypczak, Jr., to not have any contact with Local 409. It is important to highlight that Skrzypczak was not represented by Local 409, but rather, he was assigned the task of reducing the number of assaults against staff at the juvenile detention facility. The staff was represented by Local 409. Generally, an employee has a right to engage in lawful concerted activities, and it is unlawful for an employer to interfere, restrain, or coerce public employees in the exercise of those rights. See *Ingham Co v Capitol City Lodge No. 141*, 275 Mich App 133, 141; 739 NW2d 95 (2007); MCL 423.209; MCL 423.410. A public employer is prohibited from interfering with the administration of any labor organization and from discouraging membership in a labor organization. See MCL 423.410(1). In light of this authority and on its face, a prohibition against contact with a labor organization is unlawful and improper. However, in the present case, Skrzypczak made suggestions that were contrary to law and raised issues that were being addressed by the quality improvement committee. There is no indication that Local 409 requested or wanted Skrzypczak's assistance. Skrzypczak's conduct during the meeting process and in emails was characterized as disrespectful, loud, and volatile. Therefore, while a prohibition against union contact would generally be unlawful, under the unique facts and circumstances of this case, I join in reversing MERC on this issue.

/s/ Karen M. Fort Hood