



**HUMAN RESOURCES COMMITTEE
SPECIAL MEETING MINUTES
Wednesday August 07, 2024
5:30 PM**

Committee Members Present:

Maxine Thome left @7pm, Tim Hanna, Al Platt, Raul Gonzales, Dale Copedge and Dwight Washington (joined via zoom)

Committee Members Excused:

None.

Board Members Present (non-committee members):

None.

Staff Present:

Jana Baylis, Sara Lurie, Latisha Toussaint, Brian Filipiak, Morgan McKittrick and Shawna Schmidt

Public Present:

Clifford Hammond Foster Swift Collins & Smith PC

Call to Order:

The meeting was called to order at 5:30 p.m., by Chairperson, Maxine Thome.

Previous Meeting Minutes

ACTION:

MOVED by Maxine Thome and SUPPORTED by Dale Copedge to approve the meeting minutes of June 5, 2024, as written.

MOTION PASSED unanimously.

Adoption of Agenda

ACTION:

MOVED by Tim Hana and SUPPORTED by Dale Copedge to approve the meeting

agenda of August 7, 2024.

MOTION PASSED unanimously.

Public Comment on Agenda Items:

None.

BUSINESS ITEMS:

HR and Discipline Grievance Process Review Training

Cliff Hammond with Foster Swift Collins & Smith PC, came in to provide training to the committee members on the Discipline Grievance process. Cliff briefly introduced himself to the committee members. The training included information about the difference in public sector versus private employment and as well as the difference between At-will employment and Just Cause employment. Jana shared, that the CMHA-CEI HR Committee had recently heard a Step 4 Grievance in June and the Committee had questions about the process so it would be beneficial to bring Cliff in to provide some training to the Committee members on how that process works and answer any questions. Cliff reviewed the seven step process of Just Cause determination. He explained that Just Cause in the public sector employment is different than in the private sector, even those employees protected by a union contract.

The public sector, with Unions, are governed by a Collective Bargaining Agreement (CBA), Public Employment Relations Act (PERA), Michigan Employment Relations Commission (MERC) and the Constitution. The Loudermill case decided that public employees who may be fired for Just Cause have property interests in their continued employment protected by due process, establishing the opportunity for a post-termination evidentiary hearing before a neutral decisionmaker is required for due process. The Due Process Clause requires provision of a hearing “at a meaningful time”. Where a due process claim is raised against a public employer, and grievance and arbitration procedures are in place, we have held that those procedures satisfy due process requirements.

The union, as the sole and exclusive bargaining representative had the ultimate power to make a fair and responsible determination as to whether it would invoke the arbitration proceeding available under the CBA. The right to proceed to arbitration provided, an adequate due process safeguard. Finally, the employee may also file a charge with MERC under some circumstances for a violation of duty of fair representation.

Cliff reviewed the robust and long standing union contracts with strong contractual requirements for HR and management investigation of disciplines. The purpose of the Grievance Procedure set forth in that section is to provide an orderly procedure for settling disputes concerning the application and/or interpretation of the Agreement. Cliff reviewed the multiple steps of the grievance process.

Cliff summarized with remembering the 7 factors, the process, the safeguards and purpose of the grievance process.

Unfinished Business

None.

New Business

None.

Public Comment

None.

Adjournment

The meeting was adjourned at 7:15 p.m. The next regular quarterly meeting of the Human Resources Committee is scheduled for Wednesday September 4, 2024 at 5:30 PM, 812 E. Jolly Rd, Atrium.

Minutes respectfully submitted by:

Latisha Toussaint

Human Resources Administrative Assistant