

ARTICLE IV TRUSTEESHIP HEARING

MICHIGAN NURSES ASSOCIATION (MNA)

And

UNIVERSITY OF MICHIGAN PROFESSIONAL NURSE COUNCIL (UMPNC)

DECISION OF THE HEARING COMMITTEE

PROCEDURAL BACKGROUND

On January 21, 2021, the Board of Directors invoked, under Article IV of the Michigan Nurses Association (MNA) Constitutional Bylaws an emergency trusteeship of the MNA Local Bargaining Unit the University of Michigan Professional Nurse Council (UMPNC). On June 14, 2021, a hearing was held with due notice. In order to produce a full and fair record, all members were allowed to speak or submit evidence to the hearing committee, in addition to UMPNC's designated representatives.

FACTUAL FINDINGS

For the past 45 years, MNA has been the certified bargaining representative of nurses employed by the University of Michigan. (MERC Case No. R74 C-89, February 10, 1975) Pursuant to its Constitutional Bylaws, MNA established a "Local Bargaining Unit" or ("LBU"), named the University of Michigan Professional Nurse Council (UMPNC). Under MNA's Constitutional Bylaws, membership in MNA is a requirement for membership in an LBU, including UMPNC. Article II, Section 1(b) states: "Only Members in good standing as defined below shall have the full right to participate within the Michigan Nurses Association and local bargaining units." The membership of UMPNC has also voted upon and established their own bylaws. UMPNC's Bylaws, state in Article III, Section B that, "Every nurse in good standing with UMPNC and MNA shall be entitled to the rights, benefits, and privileges set forth in these bylaws." Article III, Section E of UMPNC's Bylaws states: "The members of UMPNC shall adhere to the policies, bylaws, and philosophy of the UMPNC and MNA."

In early January 2021, the majority of the former executive officers, in advance of an MNA Impartial Committee proceeding convened to hear internal charges filed against them by approximately thirty (30) UMPNC members, explicitly resigned their membership in MNA. The remaining officers refused to respond to questions as to whether they had resigned their membership in MNA and signed on to repeated public membership letters indicating that they were members and officers of a union unrelated to MNA. As membership in MNA was a condition of being a member or officer of UMPNC under UMPNC's own bylaws, the officers vacated their positions and UMPNC was left with no legally constituted leadership. At the time of their

resignations, the former officers also indicated that they did not intend to relinquish possession of UMPNC's property. In response to these actions, on January 21, 2021, an emergency trusteeship was unanimously invoked by the MNA Board of Directors, which included members of UMPNC, in order ensure that members continued to have basic representation and a functioning LBU.

Evidence provided at the hearing shows that prior to January 21, 2021, the former officers had incurred a significant backlog of member grievances, many of which had gone unaddressed for significant periods of time. Evidence also indicates that on January 20, 2021, one day prior to invocation of the emergency trusteeship, one of the former officers provided false membership applications to newly hired nurses at the new hire orientation. The membership applications were in the name of UMPNC and solicited financial information from the nurses. To date, the former officers have not returned those applications to those nurses or to UMPNC.

MNA Impartial Committee decisions, which resulted from two complaints filed against the former officers by UMPNC members, found bylaws violations and financial misfeasance by the former officers which preceded their resignations.

The record also indicates that since the trusteeship was invoked, the former officers took personal possession of over \$300,000 in membership dues which they have refused to relinquish. The former officers have also kept personal possession of UMPNC's office and website which are paid for by UMPNC member funds, and have kept personal possession of all of the grievance and member records.

CONCLUSION

Based on the record before us, we can find no alternative but to affirm the emergency trusteeship of UMPNC on January 21, 2021. The former officers openly resigned or declared themselves to be no longer members in MNA and therefore, by the bylaws of UMPNC, vacated their positions as officers. A union needs to have officers to perform even the most basic functions necessary to represent its members.

While it is unnecessary to look any further, we also cannot ignore the lack of enforcement of the collective bargaining agreement signified by the grievance backlog, the violations of the MNA and UMPNC bylaws found in two Impartial Committee decisions, and the use of falsified membership applications by the former officers. The former officers' personal conversion of UMPNC's funds, office, website, and records following the trusteeship also validates its necessity.

Members in opposition to the trusteeship at the hearing, and the former officers, have argued that the trusteeship was invalid as it could not be imposed on a local bargaining unit that had disaffiliated, via a purported vote taken by zoom poll, prior to the trusteeship. No such disaffiliation, however, occurred. MNA alone was the elected and certified bargaining representative of the nurses. The Michigan Employment Relations Commission has not affirmed any such disaffiliation, and the UMPNC and MNA bylaws are clear that UMPNC is a local bargaining unit of MNA. Whatever disaffiliation exercise the former officers conducted was nothing more than an intentional misrepresentation to their members.

Decision Issued by the Hearing Committee – July 13, 2021

Stephanie DePetro, RN, Tammy Parsons, RN, Melissa Boals, RN, Jeffrey Breslin, RN, Emily Fredericksen, RN, Jessica Lannon, RN, Maradie Milkey, RN, Katie Pontifex, RN, Heather Roe, RN, James Walker, RN, and Jamie Brown, RN