STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

Jennifer M. Granholm
GOVERNOR

David L. Hollister
DIRECTOR

FAX # (248) 5389745

to: Christine Dendanian, MQCCC

Dear Christine:

Attached is the "certification of representation"
(Hard copy to follow)

Sincerely,

Bob Strassberg, BERC

(313) 456-3525

BUREAU OF EMPLOYMENT RELATIONS
3026 W. GRAND BLVD. • SUITE 2-750 • P.O. BOX 02988 • CADILLAC PLACE • DETROIT, MICHIGAN 48202-2988
www.michigan.gov • (313) 456-3510

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

JENNIFER M. GRANHOLM
GOVERNOR

STANLEY "SKIP" PRUSS
DIRECTOR

Facsimile

DATE: TOTAL PAGES (Including Cover): 4/28/10

TO: Name: Paul Kersey
Company:
Telephone: Fax Number: 989-631-0964

FROM: Name: MERC
Telephone: Fax Number:

MESSAGE:

Certification you requested

The information contained in this transmission is privileged and confidential. It is intended only for the use of the person or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or duplication of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately. Thank you

BUREAU OF EMPLOYMENT RELATIONS/MICHIGAN EMPLOYMENT RELATIONS COMMISSION
3026 W. GRAND BLVD. SUITE 2-750 · P.O. Box 02988 CADILLAC PLACE · DETROIT, MICHIGAN 48202-2988
www.michigan.gov · (313) 456-3510

CERTIFICATION OF REPRESENTATIVE
MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
Employment Relations Commission
Labor Relations Division

AUTHORITY P. A 380 OF 1965
As Amended

Michigan Quality Community Care Council (MQCCC)	Case No. R05 A-008
- and -	
Service Employees International Union, AFL-CIO	Consent Election

An election having been conducted in the above matter by an Agent of the Michigan Employment Relations Commission in accordance with the Rules and Regulations of the Commission, and it appearing from the tabulation of election results that a collective bargaining representative has been selected

Pursuant to authority vested in the Michigan Employment Relations Commission, IT IS HEREBY CERTIFIED that

Service Employees International Union, AFL-CIO

Has been designated and selected by a majority of the employees of the above-named employer, in the unit described below, as their representative for the purposes of collective bargaining, and that pursuant to Sections 26 and 27 of Act No 176 of the Public Acts of 1939, as amended, or Sections 11 and 12 of Act 336 of the Public Acts of 1947, as amended, the said organization is the exclusive representative of all the employees in such unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment and other conditions of employment.

Unit: All employees who provide personal assistance services to elderly persons and persons with disabilities through the Michigan Quality Community Care Council (QCCC) under the Michigan Home Help Program and other programs and personal assistance services undertaken by the QCCC

Excluding Supervisors, confidential employees, all those employed in the State classified and non-classified Civil Service, and all those individuals paid directly by any private organization or entity which provides services under a time-limited contract with the State of Michigan, and all other employees

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

April 19, 2005

COPY TO:
Michigan Quality Community Care Council
Service Employees International Union, AFL-CIO
Mediation Office
file

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs

CHOICES ON BALLOT – In the event more than one labor organization is signatory to this agreement, the choices on the ballot will appear as designated below:

FIRST: YES SECOND: NO

PAYROLL PERIOD ELIGIBILITY DATE: 01/21/2005

THE APPROPRIATE COLLECTIVE BARGAINING UNIT:

All employees who provide personal assistance services to elderly persons and persons with disabilities through the Michigan Quality Community Care Council (QCCC) under the Michigan Home Help Program and other programs and personal assistance services undertaken by the QCCC

Excluding. Supervisors, confidential employees, all those employed in the State classified and non-classified Civil Service, and all those individuals paid directly by any private organization or entity which provides services under a time-limited contract with the State of Michigan, and all other employees

DATE, TIME AND PLACE OF ELECTION:

Ballots to be mailed to all eligible voters on March 11, 2005.
Ballots are to be returned to the Detroit MERC Office no later than 5:00 p.m., April 06, 2006
Ballots are to be counted at the Detroit MERC Office on April 11, 2006 at 10:00 a.m

Service Employees International Union (SEIU), AFL-CIO
Name of Union

By: John Freeman, Director
Name and Title

Service Employees International Union
Name of Union

By:
Name and Title

Name of Union

By:
Name and Title

Number of Ballots to be prepared: 41,000+

Michigan Quality Community Care Council (MQCCC)
Name of Employer

By:
Name and Title

Approved:
Commission Agent
Employment Relations Commission

Date Signed: 4/11/05

Case No. R05 A-008

Number of Notices of Election and Sample Ballots to be prepared: 7

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
Employment Relations Commission

OFFICIAL BALLOT

TO DETERMINE THE EXCLUSIVE REPRESENTATIVE FOR THE PURPOSES OF COLLECTIVE BARGAINING FOR:

HOME CARE PROVIDERS
MICHIGAN QUALITY COMMUNITY CARE COUNCIL (MQCCC)

Do you desire to be represented by the following as your exclusive representative for the purpose of collective bargaining?

SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU)

YES	NO
☐	☐

MARK an "X" in ONE SQUARE ONLY

1. THIS IS A SECRET BALLOT. DO NOT SIGN YOUR NAME ON THIS PAGE
2. MARK an "X" in ONE SQUARE ONLY.
3. Put your marked ballot in the SECRET BALLOT Envelope
4. Put your SECRET BALLOT Envelope in the Return Envelope.
5. You must SIGN YOUR NAME on the back of the Return Envelope or your vote won't be counted.
6. Put the Return Envelope in the mail personally in sufficient time to arrive at the Michigan Employment Relations Commission on or before **April 5, 2005**

NOTICE OF HEARING
MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
Employment Relations Commission
Labor Relations Division

AUTHORITY P A 380 OF 1965
As Amended

Michigan Quality Community Care Council (MQCCC) **- and -** **Service Employees International Union, AFL-CIO**	Case No. R05 A-008

PLEASE TAKE NOTICE that a public hearing will be conducted by the Michigan Employment Relations Commission in the above matter. A copy of the petition has been previously served on the parties. The hearing will be held:

DATE: February 28, 2005
TIME: 10:00 a.m
PLACE: Bureau of Employment Relations, PO Box 30015,
1375 S. Washington, Lansing MI 48909

At the time and place specified the employer, labor organization or person representing or claiming to represent any of the employees of the employer in the collective bargaining unit described in the petition may appear in person or by representative and give testimony and evidence in support of its claims

All parties are required to bring with them for examination any contract, correspondence, and documents between the labor organization or person representing any of the employees of the employer relating to the representation of the employer's employees.

The employer is required to have for examination a list of employees, arranged alphabetically, together with their classifications in the proposed collective bargaining unit taken from the most recent payroll

Dated at Detroit, Michigan, this 2nd day of February, 2005

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Ruthanne Okun
Director

COPY TO
Michigan Quality Community Care Council (MQCCC)
Service Employees International Union, AFL-CIO
Lansing BER Office
file

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs.

STATE OF MICHIGAN
JENNIFER M. GRANHOLM, GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER, DIRECTOR

EMPLOYMENT RELATIONS COMMISSION
Cadillac Place Suite 2-750
3026 W. Grand Boulevard, P.O. Box 02988
Detroit, Michigan 48202-2988
(313) 456-3510
FAX (313) 456-3511

Case No. R05 A-008
Date Filed 01/21/2005
County Ingham

02/02/2005

Michigan Quality Community Care Council
(MQCCC)
1115 S. Pennsylvania, Suite 203
Lansing, MI 48912-1658

Service Employees International Union, AFL-CIO
ATTN: John Freeman, Director
220 Bagley, Suite 430
Detroit, MI 48226

To All Parties:

Attached hereto is a copy of a petition that has been filed with the Michigan Employment Relations Commission by the petitioner requesting that it be certified as the exclusive bargaining representative for the employees designated in the bargaining unit described in the petition. The parties are hereby notified that a conference concerning this matter has been scheduled as follows

DATE: January 28, 2005 **TIME:** 10:00 a.m.
LOCATION: Bureau of Employment Relations, Cadillac Place, 3026 W. Grand Blvd., PO Box 02988, Suite 2-750 Detroit MI 48202

The employer is requested to furnish the following information by return mail

1. The names and addresses of any other interested labor organizations or other interested parties who should be apprised of this proceeding.
2. Copies of any presently existing or recently expired contracts covering the employees involved in the petition as well as any correspondence or other documents which may have a bearing on the representation question.
3. An alphabetical list of employees and their classification as of the filing date of the enclosed petition. This list is for the confidential use of this office in making an administrative check of the petitioner's and/or intervenor's showing of interest to sustain the petition. In the absence of this list, we may proceed to make a determination solely on the basis of the information supplied by the petitioner

A hearing has been scheduled contingent upon the necessary showing of interest (Notice Enclosed) However it is possible to resolve the representation question without a formal hearing by means of an agreement for consent election.

Very truly yours,

Robert Strassberg
Election Officer
313-456-3525

Authority: P.A. 380 of 1965, as amended
Completion: Mandatory
Penalty: Case will not be opened if this form is not used

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

PETITION FOR REPRESENTATION PROCEEDINGS

INSTRUCTIONS: Submit an **original** and **4 copies** of this Petition to: Employment Relations Commission, Cadillac Place, 3026 W. Grand River Boulevard, Suite 2-750, PO Box 02988 Detroit MI 48202-2988. (Use additional sheets if necessary.)

DO NOT WRITE IN THIS SPACE

Case Number: E05 A-008 | Date Filed: 12-21-05

1. Purpose of this Petition: (Check only the one box which is appropriate.)

A. [X] **RC - CERTIFICATION OF REPRESENTATIVE** - 30% or more of employees in the unit wish to be represented for purposes of collective bargaining by Petitioner, and Petitioner desires to be certified as representative of the employees for purposes of collective bargaining. (A 30% showing of interest must accompany this form or be submitted within 48 hours.)

B. [ ] **RM - REPRESENTATION (EMPLOYER)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.

C. [ ] **RD - DECERTIFICATION** - 30% or more of employees in the unit assert that the certified or currently recognized bargaining representative is no longer their representative. (A 30% showing of interest must accompany this form or be submitted within 48 hours.)

D. [ ] **SD - SELF-DETERMINATION** - Multiple units represented by the same representative seek to be represented in one unit. (No showing of interest required.)

E. [ ] **UC - UNIT CLARIFICATION** - A labor organization is currently recognized by the employer, but Petitioner seeks clarification of placement of certain employee(s). (A petition for unit clarification does not raise a question concerning representation, and may not be used where an RC or RM petition is appropriate.)

2. NAME AND ADDRESS OF EMPLOYER:
Michigan Quality Community Care Council (MQCCC)
1115 S. Pennsylvania, Suite 203
Lansing, MI 48912-1658

TELEPHONE NUMBER: (800) 979 4662

3. TYPE OF EMPLOYER: Check appropriate box: [X] Governmental [ ] Private

4. DESCRIPTION OF CLAIMED BARGAINING UNIT INVOLVED. In UC petition describe present bargaining unit and attach specific description of proposed clarification. Please use additional paper if necessary.

INCLUDED:
All individuals who provide ~~in-home community care~~ Personal Assistance services to elderly persons and persons with disabilities through the Michigan Quality Community Care Council (QCCC) under the Michigan Home Help Program and other programs and ~~community care~~ Personal Assistance services undertaken by the QCCC.

EXCLUDED:
Supervisors, confidential employees, all those employed in the State classified Civil Service, and all those individuals paid directly by any private organization or entity which provides services under a time-limited contract with the State of Michigan, and all other employees.

5. APPROXIMATE NUMBER OF EMPLOYEES IN UNIT: 41 000

6. DATE OF DEMAND OF RECOGNITION: 1-20-05

DATE EMPLOYER DECLINED RECOGNITION: 1-20-05

7. RECOGNIZED OR CERTIFIED BARGAINING AGENT, OR PARTIES OTHER THAN PETITIONER WHICH HAVE CLAIMED RECOGNITION AS REPRESENTATIVES, AND OTHER UNIONS INTERESTED IN THE EMPLOYEES DESCRIBED IN ITEM 4 ABOVE (If NONE, so state)
NAME AND ADDRESS: NONE

DATE OF RECOGNITION OR CERTIFICATION: N/A

DATE OF CLAIM (Required only if RM Petition): N/A

8. DATE OF EXPIRATION OF CURRENT CONTRACT, IF ANY: Month: NONE Day: Year:

I HAVE READ THE ABOVE PETITION AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF

PETITIONER AND AFFILIATION, IF ANY:
Service Employees International Union (SEIU), AFL-CIO

NAME OF REPRESENTATIVE OR PERSON FILING PETITION:
SIGNATURE: John Freeman PRINTED: JOHN FREEMAN

TITLE, IF ANY: Director, Home Care Campaign

ADDRESS: 220 Bagley, Suite 430, Detroit, MI 48226

TELEPHONE: (313) 963 1847

The Department of Labor & Economic Growth 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.

DER-231 (8/04)

CERTIFICATION OF REPRESENTATIVE
MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
Employment Relations Commission
Labor Relations Division

AUTHORITY: P. A. 380 OF 1965
As Amended

Michigan Quality Community Care Council (MQCCC)	**Case No. R05 A-008**
- and -	
Service Employees International Union, AFL-CIO	**Consent Election**

An election having been conducted in the above matter by an Agent of the Michigan Employment Relations Commission in accordance with the Rules and Regulations of the Commission, and it appearing from the tabulation of election results that a collective bargaining representative has been selected.

Pursuant to authority vested in the Michigan Employment Relations Commission, **IT IS HEREBY CERTIFIED** that

Service Employees International Union, AFL-CIO

Has been designated and selected by a majority of the employees of the above-named employer, in the unit described below, as their representative for the purposes of collective bargaining, and that pursuant to Sections 26 and 27 of Act No. 176 of the Public Acts of 1939, as amended, or Sections 11 and 12 of Act 336 of the Public Acts of 1947, as amended, the said organization is the exclusive representative of all the employees in such unit for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, and other conditions of employment.

Unit: All employees who provide personal assistance services to elderly persons and persons with disabilities through the Michigan Quality Community Care Council (QCCC) under the Michigan Home Help Program and other programs and personal assistance services undertaken by the QCCC

Excluding: Supervisors, confidential employees, all those employed in the State classified and non-classified Civil Service, and all those individuals paid directly by any private organization or entity which provides services under a time-limited contract with the State of Michigan, and all other employees

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

April 19, 2005

COPY TO:
Michigan Quality Community Care Council
Service Employees International Union, AFL-CIO
Mediation Office
file

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs.

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

STANLEY "SKIP" PRUSS
DIRECTOR

May 17, 2010

RECEIVED
MAY 19 2010

Mr. Paul Kersey
Mackinac Center for Public Policy
140 W. Main Street
Midland, Michigan 48640

Re: Freedom of Information Act Request regarding SEIU/Healthcare Michigan Michigan Records—Supplemental Records

Dear Mr. Kersey:

This notice is in follow up to our May 4, 2010 response to your April 27, 2010 request to Ms. Ruthanne Okun for records under the Freedom of Information Act (FOIA), MCL 15.231 et seq., you describe as:

> "...the entire case file, relating to the certification of SEIU/Healthcare Michigan Michigan as the representative of home-based health-care providers Case No. R05A008."

After further search for records, to the best of the Department's knowledge, information, and belief, the Department has enclosed additional copies of records in its possession responsive to your request.

Sincerely,

Melvin Farmer, Jr.
Central FOIA Coordinator

Enclosures

cc: Ruthanne Okun
Nancy Pitts

ADDENDUM TO CONSENT ELECTION AGREEMENT

This Addendum to the Consent Election Agreement is entered into between the Parties following the filing of a Petition For Representation Proceedings by the SEIU, supported by the statutory showing of interest, and its terms are contingent upon a certification by the Michigan Employment Relations Commission (MERC) that there exists a question concerning representation.

The parties agree as follows:

1. The parties are the **Michigan Quality Community Care Council (QCCC)** and the **Service Employees International Union, (SEIU)**.

2. A Petition for Representation Proceedings has been filed by the **SEIU** for a proposed State-wide Bargaining Unit consisting of all paraprofessional homecare workers providing personal care services to elderly persons and persons with disabilities in their homes and communities where those services are provided under the auspices of the **Michigan QCCC**. The Bargaining Unit is more specifically described in the pending petition as: *All individuals who provide ~~in-home community care~~ services to elderly persons and persons with disabilities through the **Michigan Quality Community Care Council (QCCC)** under the Michigan Home Help Program and other programs and ~~community care~~ services undertaken by the QCCC; EXCLUDING: supervisors, confidential employees, all those employed in the State classified Civil Service, and all those individuals paid directly by any private organization or entity which provides services under a time-limited contract with the State of Michigan,* and all other ecs

personal assistance

personal assistance

3. This Consent Agreement is premised upon the terms of the Interlocal Agreement which established the **Michigan QCCC** and upon the recognition by both Parties that the **Michigan QCCC** presently functions under that Interlocal Agreement, for the limited purposes of the Public Employee Relations Act (PERA), as an employer as that term is defined under PERA, of the homecare workers. Pursuant to the Interlocal Agreement and the Transfer Agreement the **Michigan QCCC** has authority over adjusting certain

grievances and bargaining collectively with an authorized exclusive representative for the homecare workers regarding changes, within budgetary and regulatory constraints, to wages and benefits received by homecare workers.

4. The parties further acknowledge that the persons receiving care each individually retain the power to select or reject, with or without cause, any proposed homecare worker providing individual services in the recipient's home, and to later terminate the recipient's use of the services of any such homecare worker, with or without cause, and that such authority on the part of the individual recipients will not be, and is not, diminished in any way by this Agreement, by the outcome of any resulting election, nor by the outcome of any subsequent contractual negotiations between these parties which may arise from the election.

5. The parties further acknowledge that the persons receiving care each individually retain control over the physical conditions at the work location and individually direct the performance of services and that such authority and control on the part of the individual recipients will not be, and is not, diminished in any way by this Agreement, by the outcome of any resulting election, nor by the outcome of any subsequent contractual negotiations between these parties which may arise from the election.

6. The Parties acknowledge that MERC has jurisdiction over questions related to the representation of such employees as the individuals are employees, as defined by the PERA, of the **Michigan QCCC,** a public body corporate even though the individual persons receiving care retain authority over their personal selection and retention of particular homecare workers.

7. The parties further acknowledge that the homecare workers provide critical in-home care services and that those services could not be readily replaced if the services were disrupted. The parties recognize that the Public Employee Relations Act provides that a public employee "*shall not strike*" with strike defined by the Act to mean "*...the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties*

of employment...". The SEIU affirms and agrees that it will not promote, encourage, sanction or condone any strike activity by homecare workers covered by this Agreement.

8. The **Michigan QCCC** acknowledges the right of all workers to seek or reject Union representation and the **Michigan QCCC** shall remain neutral regarding this Unionization effort and will, and does, consent to the holding of a mail ballot election pursuant to the usual MERC rules, and premised on the conditions set forth in this Agreement.

John Sweeney 1/19/2005
SEIU

1/19/05
MICHIGAN QCCC

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

STANLEY "SKIP" PRUSS
DIRECTOR

May 18, 2010

RECEIVED
MAY 20 2010

Paul Kersey
Director of Labor Policy
Mackinac Center for Public Policy
140 W. Main Street, P.O. Box 568
Midland, Michigan 48640

Re: Freedom of Information Request
SEIU/Healthcare Michigan Michigan, MERC Case No. R05 A-008

Dear Mr. Kersey:

Pursuant to our telephone conversation today, enclosed is a copy of the Tabulation of Election Results in the MERC representation election involving Michigan Quality Community Care Council (MQCCC) and the Service Employees International Union, AFL-CIO that was inadvertently omitted from the documents sent to you. Thank you for your consideration.

Very truly yours,

Ruthanne Okun, Director
Bureau of Employment Relations/MERC

cc: Melvin Farmer, DELEG FOIA Coordinator

DELEG is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

V54.216

AUTHORITY: P.A. 380 OF 1965, AS AMENDED

TABULATION OF ELECTION RESULTS
CONSUMER AND INDUSTRY SERVICES
Bureau of Employment Relations
Labor Relations Division

MICHIGAN QUALITY COMMUNITY CARE COUNCIL (MQCCC)

- and -

SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO

CASE NO. R05 A-008

[ ] **REPRESENTATION**
- [XX] Consent
- [ ] Commission Ordered

[ ] **LAST OFFER**
- [ ] Consent
- [ ] Consent Strike
- [ ] Commission Ordered

The following is a tabulation of the ballots cast in the election in the above matter, conducted and supervised by the undersigned Bureau Agent on April 11, 2005.

YES	6949
NO	1007
Challenged Ballots	12
TOTAL	7956
Spoiled Ballots	589

FOR THE BUREAU OF EMPLOYMENT RELATIONS

Robert Strauss
Bureau Agent

The undersigned acted as authorized observers in the casting, counting and tabulating of ballots indicated above.

WE HEREBY CERTIFY that the entire election was conducted in a fair and impartial manner in our presence, that the counting and tabulating were fairly and accurately done and that the results were as indicated above.

John Freeman
For the Union

Catherine M. Mac
For the Employer

For the Union

For the Employer

DATED 4-11-05