

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

IN THE MATTER OF:

REGENTS OF THE UNIVERSITY OF
MICHIGAN,

No. R11 D-034

Respondent,

and

GRADUATE EMPLOYEES
ORGANIZATION/AFT MI, AFT, AFL-CIO,

Petitioner-Labor Organization.

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MICHIGAN ATTORNEY
GENERAL'S REPLY TO THE
UNIVERSITY'S BRIEF
OPPOSING MOTION TO
INTERVENE

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**THE ATTORNEY GENERAL'S REPLY TO THE UNIVERSITY'S BRIEF
OPPOSING HIS MOTION TO INTERVENE**

The University of Michigan's response mischaracterizes the Attorney General's motion to intervene as an invasion of the University's autonomy. In fact, the University's concern with its autonomy is really a complaint about the Commission having jurisdiction over determining whether GSRA's are employees subject to unionization. The Attorney General will not be deciding this question for the Commission or otherwise encroaching in any way on University autonomy. The Attorney General's intervention in this matter is to ensure that the record is fully developed given the absence of the traditional adversity between labor and management and in light of the consequences that can flow from the Commission's decision on this issue.

The Attorney General recognizes that the Michigan Constitution gives the Regents "general supervision of its institution and the control and direction of all expenditures from the institution's funds." Mich Const 1963 Art VIII, § 5. That authority however does not extend to making unilateral determinations about whether GSRA's are public employees for the purposes of conferring subject matter jurisdiction on the Commission. In its September 14, 2011 Decision and Order, the Commission made this clear. The Commission stated that despite the existence of a Consent Election Agreement signed by both the University and the Organization, the jurisdiction of the Commission to approve such an agreement was at issue, and "[t]he Commission's jurisdiction cannot be extended by an agreement." (Decision

and Order Dismissing Petition and Denying Motion to Intervene, p 4, MERC, Sept 14, 2011.)

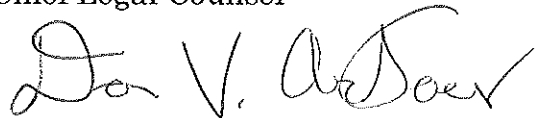
Intervention is appropriate under the statutes and case law because the question whether GSRA's are employees subject to unionization implicates a number of substantial state interests, as set forth in great detail in the Attorney General's Brief in Support of his Motion to Intervene. That question will not be properly considered without the balance that the Attorney General can provide to assure a fully developed record.

For these reasons, and the reasons set forth in the Attorney General's Brief in Support of Intervention, the Attorney General respectfully requests the Commission grant his motion to intervene, enter a notice of intervention into the official record of the captioned case, allow him to present an argument against reconsideration on December 13, 2011, and afford him full party status in these proceedings for all purposes.

Respectfully submitted,

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