

Agenda

MLMA Presents Our 2010 Annual Spring Conference

By
Cynthia Corbin
Program Coordinator

The Michigan Labor-Management Association (MLMA) hosted the annual statewide Labor-Management Conference geared to labor relations professionals. The Conference was again held at the Kellogg Hotel and Conference Center on the campus of Michigan State University in East Lansing on April 22nd and 23rd. The 2010 "Partners in Progress" Conference opened with an address from MLMA Board Member Kent Sharkey, welcoming our attendees and introducing our distinguished guests.



KENT SHARKEY
TEAM HUMAN CAPITAL SOLUTIONS

This year's Conference dealt with Michigan's prospects with the opening program, "New Technology, Diversification and Ideas for Michigan's Future". Our panel, including George Erickcek, economist, Greg Main, CEO, Michigan Economic Development Corporation, Stanley (Skip) Pruss, Director of the Michigan Department of Energy, Labor and Economic Growth, and Tim Magee, of the International Alliance of Theatrical Stage Employees (I.A.T.S.E.) explored the relationship of Michigan's future for employment and business including growth through diversity and new technology. The program was moderated by Tim Skubick, our guest from "Off the Record", of Michigan Public TV.

Next we presented our first round of morning workshops: "Labor Relations in a Lean Economy" with Bob Chiaravalli, "The Art of Verbal Warfare" presented by Kent Sharkey and "Workplace Bullying" by Michelle Kaminski. After lunch, Thursday afternoon included another round of workshops: "Back to Basics: Labor Relations 101", with Kalyn Redlowsk, "Dealing with Transitions: At Work and At Home" with Greg Huszczo and "PERA and Legal Updates" presented by attorneys Lynn Morrison,

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Summer • Fall 2010

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Labor Relations and Structured Innovation

By
Robert Chiaravalli, Esq.
Strategic Labor and Human Resources, LLC

Human Resource (HR) and Labor Relations (LR) professionals have been tackling problems the same way for decades. With the use of structured innovation employers, unions and employees can apply structured processes to solve many of the HR/LR problems that seem unsolvable, too costly, or too time consuming to solve. Since the goal of structure innovation is finding a durable solution, it is ideally suited for the employment and labor relationship. It provides a solid foundation for employee engagement and productive labor-management initiatives. Wouldn't it be great to solve problems cheaply and quickly alongside the people you work with. On April 10th we explored how to start using structured innovation to do just that. **WARNING:** like the workshop, this article will cover a lot quickly, so don't hesitate to contact me with your questions, suggestions or your own experiences using innovation.

The workshop and this article derive most of the ideas associated with structured innovation from a few specific strains of the structured innovation research that include:

- Theory of Constraints (TOC)
- TRIZ
- Cost-Benefit Analysis
- Failure Mode Engineering Analysis (FMEA)

Since the workshop and this article provide an overview, a keyword search on your favorite search engine will provide plenty of reading for a deeper dive into the subject. It will, however, be much more difficult to find research on how to apply these structured approaches to the specific problems of HR and LR. I acknowledge that there are other approaches, but these are the ones that I have incorporated into my practice with the best results. Though each approach can and usually is effective on its own, I have found that using them in concert with each other provides an excellent recipe for finding robust solutions quickly.

Though much of this work is meant to improve the financial status of the employer through - at one level - cost reduction, my union colleagues have been concerned that its application to labor costs hurts the employee. For the purpose of the workshop and this article, I use a very broad definition of labor costs that goes beyond wages and benefits, and encompasses any cost that the application of labor relations initiatives can achieve. For example, unions and employers can modify non-wage provisions in a collective bargaining agreement that reduce cost of sales.

Step 1: Recognize that LR Strategies Exist as Part of a Larger Organizational Strategy

Too often HR/LR professionals complain about not having a place at the company strategy table. Unions, as well complain to me that their ideas are not fully understood or valued. For the private sector employer, the overall strategy generally has only a few imperatives – profitability, growth and/or cash – that are affected by increasing throughput to sales, reducing inventory and asset utilization expense, and reducing operational expense. (TOC principle) Unless the HR/LR professional addresses those dimensions of the strategy, there will be no place for them at the strategy table – other than to get everybody coffee and snacks. Each function has the same challenge, but in slightly different ways. The marketing function deals with marketing related strategies, finance function deals with finance related strategies, and HR/LR deals with people related strategies, but all with the goal of impacting sales, inventory expense and operational expense. For the HR/LR professional that means applying cause and effect logic for impacting strategic imperatives. (TOC principle)

Where many HR/LR professionals are ineffective and waste time is that they do not know where to start or what to work on first. The central focusing questions to answer to avoid wasting time and “getting the biggest bang for the buck” are:

1. What to change?
2. What to change to?
3. How to cause the change?

Simple - yes, but too often lacking among HR/LR professionals.

Consider for example, the impact of reducing the time to negotiate a collective bargaining agreement if the negotiators could focus on the most important problems to solve. Not everything needs to be changed. Clearly, there are some issues or concerns that are more important than others, yet unions and employers too often come to the bargaining table with a huge list that prolongs negotiations, incites emotions, and distracts from the most important concerns. Innovation is central to understanding what to change to and how to cause the change. TOC and TRIZ principles help the parties understand the shortest distance to considering options and achieving a mutual gain outcomes.

Step 2: Understand a Cause and Effect Relationship Exists Between the Starting and Ending Point

The distance between an organization's goals and the obstacles for achieving the goals are connected, like the links in a chain, with a series of cause and effect relationships. Too often I see people attacking problems without any appreciation for the system in which it exists. And the result is often short of the goal. The solution to the problem should be seen in the context of the entire system, and therein lays the innovation.

By considering the problem as one of many links in the system or chain of events, the parties begin to understand which cause and effect link or event is the weakest link that impacts the entire system. It is the weakest link or constraint that will provide the biggest bang for the buck when corrected, and thus the parties can answer the first question of “what to change”. (TOC and TRIZ). Approaches using Failure Mode Engineering Analysis (FMEA) and Cost/Benefit Analysis (C/B) also provide structured ways for helping the parties determine what to change.

Continued next page

Step 3: Seek Contradictions

TOC, TRIZ and FMEA all push the parties to find contradictions, that is, a point in the analysis where two answers cannot exist in the same space. Though the concept of seeking contradiction is the most difficult to accept, it is also the point at which innovation has the greatest chance to occur. It is generally where the core problem exists, and that by solving the contradiction at the core problem the parties answer the question “what to change to”.

Step 4: Apply Structured Innovation to the Practice of Labor Relations

Process improvement has focused on operational issues of business, but not the core functions of Labor Relations. The processes of labor relations practitioners include negotiations, conflict resolution, safety and health, policies and practice development, etc. Structured innovation can help:

- stream line negotiations so that more robust and more durable agreements can be reach in shorter amounts of time;
- increase workplace safety and health by focusing on the severity, probability and detection of hazards more quickly; and

- achieve more with smaller staffs and budgets.

Start small as you learn the principles and begin to see the improvements. By mastering the various approaches, you will begin to see many applications. Feel free to contact me to discuss your questions or concerns, and how this might be applied in your organizations. Best wishes, Bob. Robert@HRStrategy.biz, 248-681-0777.

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Mark Cousens and Jim Perry. The afternoon plenary session was devoted to “Healthcare, Past — Present — Future” with a panel of representatives from the UAW, Blue Cross/Blue Shield of Michigan, Health Alliance Plan and HealthPlus of Michigan, and again moderated by Tim Skubick.

The Friday morning session kicked off with our third round of workshops including: “Adjusting to the ‘Survivor Syndrome’” presented by Keith Levick, “Coalition Bargaining for Healthcare and Compensation” by Wayne Cass, and lastly, “TRUST — The Foundation for Effective Labor/Management Relations” with Denny Macha. The workshops were followed by the closing plenary session, “Branding our Role in the American Dream” presented by Keith Levick.

This year’s Conference was specifically planned to enhance the knowledge and skills of participants while also offering insight into the current economic situations in our state today. Workshops included bargaining issues, labor law, healthcare, and personal skills development.



DENNY MACHA
HPOWER & ASSOCIATES



Golfers Wanted

Time is running out and you don't want to miss the ...

MLMA's 11th Annual Golf Outing! We're back at the WOODLANDS of VAN BUREN Golf Course & Banquet Facility in Wayne, Michigan. Mark your calendar for Thursday, September 9! Registration and continental breakfast begin at 8:00 a.m., with the Shotgun Start at 9:45 a.m., a full day of fun topped off with a midday lunch, and closing with a steak dinner, contest awards, raffles and PRIZES, PRIZES, PRIZES! And, if you think your organization is a good candidate for a sponsorship, check out the three levels of sponsorships available:



GOLD SPONSORSHIP \$2,000 ~ Includes: Logo on Banner, Two Foursomes, Hole Sponsorship, Logo on Photos.

SILVER SPONSORSHIP \$1,500 ~ Includes: Logo on Banner, One Foursome, Hole Sponsorship.

BRONZE “HOLE/TEE” SPONSORSHIP \$350

You won't want to overlook this event! So, fill out the registration/sponsorship form on page 7 in this newsletter, or call Doris Jordan-Smith at (248) 443-1038. We'll see you there!

West Michigan Construction Alliance (WMCA)

By
Ed Haynor
West Michigan Construction Alliance

The West Michigan Construction Alliance (WMCA) is a 501(c)(6) non-profit organization. It's a construction oriented labor-management partnership composed of contractor organizations, signatory contractors, organized labor and affiliate members. The WMCA is committed

to a program of quality craftsmanship and professional contracting across all construction crafts.

HISTORY

The WMCA was formed in July 2003. The original jurisdiction of the WMCA included the greater service area of Grand Rapids and Muskegon. A merger took place on June 28, 2005 with the Southwest Michigan Construction Alliance effective January 1, 2006 which

includes the service areas in and around Battle Creek and Kalamazoo. The total service area now includes approximately 22 counties in West and Southwest Michigan.

BOARD OF DIRECTORS

The following construction professionals serve as the board of directors through the 2010 calendar year:

<u>MEMBER</u>	<u>AFFILIATION</u>	<u>OFFICE</u>
Walter Christophersen	Michigan Building & Construction Trades Council	President/Treasurer
Kevin Donovan	Muskegon Construction Company	Vice President
Bob Schumaker	National Electrical Contractors Assn. - Michigan Chapter	Secretary
Hugh Coward	Ironworkers Local 340	Trustee
Leroy Crabtree	International Brotherhood of Electrical Workers Local 131	Trustee
Brad Foster	Grand River Construction, Inc.	Trustee
Mark Mangione	West Michigan Plumbers, Fitters & Service Trades Local 174	Trustee
Scott Fisher	Associated General Contractors of Michigan	Trustee
Robert Mathisen	W. Soule & Company	Trustee
Cindy Morse	West Michigan Mechanical Contractors Association	Trustee
Rich Ogrizovich	Plumbers, Pipefitters & HVACR Local 357	Trustee
Larry Tolbert	Heat & Frost Insulators Local 47	Trustee

General business meetings of the membership are conducted no less than three times a fiscal year. The Board of Directors meet five to six times a year or as necessary to conduct business. The Bylaws allow for 12 board members. Board member terms are for three years and are staggered with four Board members terms being up for election each year. An equal number of management and labor Board members are required. Board elections are scheduled for November/December of each year.

WMCA PURPOSE AND MISSION

The primary purpose of the Alliance as described in the Bylaws is to promote and market the advantages of the organized construction industry in West and Southwest Michigan. The goal of the Alliance is to provide the highest quality, most cost effective and safest delivery of construction products and services to our customers/owners. To achieve this purpose, the WMCA, its constituent members and workers are committed to:

- 1) Achieving a better understanding of the needs of our customers and enhancing the quality of our services through continuous improvements.
- 2) Establishing and providing a forum for all segments of West and Southwest Michigan's organized construction community to facilitate more cooperative, productive and safe work environments for the benefit of all construction alliance members, workers and customers.
- 3) Publicizing and promoting the many services and benefits that the West and Southwest Michigan organized construction industry provides to both its customers and communities.

FUNDING/OPERATIONS

The WMCA is entirely funded from dues of its members. The Alliance has no set yearly dues. Rather, dues have been structured according to an organizations financial capability and willingness to

contribute. Upon receipt of membership dues, a signed certificate of membership is forwarded to the contributor.

In 2009, an amendment to the Bylaws was approved which allows for affiliate membership. Affiliate members shall be firms legally engaged in practices which are directly or indirectly associated with or supportive of the organized construction industry. The purpose of the WMCA Affiliate Membership Program is to provide a structure for affiliate members' participation in WMCA matters while promoting the common business interests of construction labor/management within the meaning of Section 501(c)(6) of the Internal Revenue Code of 1986 as amended. Examples of affiliate membership include but are not limited to architectural firms, construction managers, suppliers, manufacturers, insurers, legal and financial institutions.

The WMCA has no employees and the Board receives no compensation. The WMCA has contracted with Haynor

Continued next page

Educational Services, Inc. , for consultant services in the management of it's operations.

RESPONSIBLE CONTRACTING

A primary initiative of the WMCA is responsible contracting. The focus of this program is to provide the public sector including schools and municipalities the necessary resources to adopt rigorous qualifications-based criteria as public policy in order to award construction bids to competent, responsible and law-abiding contractors.

STRATEGIC PLAN

The Board of Directors developed a strategic plan which includes important strategies as the organization moves forward. These key strategies include:

1. Develop solid business, action and marketing plans.
2. Build a solid coalition of management, labor and business partners.
3. Improve the public's perception of union construction.
4. Eliminate jurisdictional disputes.
5. Disseminate information to the rank and file.
6. Establish a sustainable funding mechanism.
7. Reduce costs for contractors enabling competitive bidding.

8. Increase membership participation at union, contractor and Alliance meetings.

WEBSITE


A website was developed and is located at www.wmconstructionalliance.org. The

main purpose of the website is to give the organized construction industry visibility and access to owners and potential customers.



BOARD MEMBERS AVAILABLE FOR A PICTURE INCLUDE FROM LEFT TO RIGHT MARK MANGIONE, BUSINESS MANAGER, WEST MICHIGAN PLUMBERS, FITTERS & SERVICE TRADES LOCAL 174; ROBERT MATHISEN, CHIEF OPERATING OFFICER, W. SOULE & COMPANY; RICH OGRIZOVICH, BUSINESS MANAGER, PLUMBERS, PIPEFITTERS & HVACR LOCAL 357; WALTER CHRISTOPHERSEN, BUSINESS REPRESENTATIVE, MICHIGAN BUILDING & CONSTRUCTION TRADES COUNCIL; CINDY MORSE, EXECUTIVE DIRECTOR, WEST MICHIGAN MECHANICAL CONTRACTORS ASSOCIATION; HUGH COWARD, BUSINESS MANAGER, IRONWORKERS LOCAL 340; BOB SCHUMAKER, NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION - MICHIGAN CHAPTER; LARRY TOLBERT, MARKETING REPRESENTATIVE, HEAT & FROST INSULATORS LOCAL 47; KEVIN DONOVAN, PRESIDENT, MUSKEGON CONSTRUCTION COMPANY; AND LEROY CRABTREE, BUSINESS MANAGER, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 131.





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EDITOR OF THE AGENDA

Labor Relations 101 — Back to Basics

By
James Spalding
MERC

At the MLMA 2010 Spring Conference, held at MSU's Kellogg Center in East Lansing, Attorney Kalyn Redlowsk gave an informative presentation on the basics of labor relations. The session was well attended by those relatively new to the field of labor relations and also included the presence of some of the more seasoned (gray haired) attendees of the conference, in addition to both State and Federal mediators.

Kalyn first began with an explanation about the differences and similarities of the National Labor Relations Act (NLRA) covering the private sector, and the Michigan Public Employee Relations Act (PERA) covering the public sector. After that brief overview, she gave a very detailed description of the many facets of basic labor relations law.

Kalyn provided a thorough explanation of the technical process of creating a bargaining unit, including:

- The requirements to petition for an election;
- What constitutes an appropriate bargaining unit;

- Requirements and restrictions placed upon an employer during an election campaign, and the rationale for those requirements and restrictions;
- The effect of unfair labor practice charges during an election, including a "blocking" charge;
- The potential impact of lengthy delay in the voting process and why the union typically seeks a speedy election;
- The voting process to determine majority status of a representative union and what determines a successful, or unsuccessful, vote.

A number of questions were asked about interveners in the elections process and how a majority is determined when there are more than two choices on a ballot.

A question about decertification generated considerable discussion from those in attendance. Of particular interest was the issue of the status of a bargaining union during and following a decertification election and the impact that status may have upon employees. Whether the interest and discussion was generated

by dissatisfaction with a particular labor organization or was just of general curiosity was not made clear, but the issue of decertification was thoroughly explored.

From the topic of creating a bargaining unit, or dissolving one, Kalyn moved into the mechanics of bargaining a contract. Again, her information was informative and generated active participation from the attendees. Her warm, friendly personality and obvious technical knowledge both placed the audience at ease and created an atmosphere where everyone felt comfortable and encouraged to participate in what quickly became very much a discussion about labor relations. Her presentation was informative for those new to the field and interesting to the seasoned veterans.

Kalyn Redlowsk is an experienced and respected attorney with the law firm of Miller, Canfield in Kalamazoo. She previously worked as a law clerk for the Michigan Employment Relations Commission.



PERA & MERC Updates

By
Ruthanne Okun
MERC

At the PERA and Legal Updates Workshop at the Michigan Labor-Management Conference on April 22, 2010, Bureau of Employment Relations Staff Attorney, Lynn Morison, and labor law attorneys, Mark Cousens (Law Offices of Mark H. Cousens) and James Perry (Dickinson Wright PLLC) presented. Each speaker provided up-to-date information and shared their insights and comments on recent and important cases

decided by the Michigan Employment Relations Commission. These cases that were decided in the past year under Michigan's Public Employment Relations Act have and likely will have a significant impact on bargaining relationships between labor and management.

At the Workshop, Attorney Morison provided detail on a number of the concise, yet comprehensive, case summaries in her outline that was distributed. For your assistance, the entire document has been posted on the LMA

Web-site at www.mlma.org. Following Attorney Morison's comment at the Workshop concerning a particular case of significance, Attorneys Cousens and Perry offered guidance and shared their insightful comments on the decision from the unique perspectives of a union and an employer advocate, respectively.



MICHIGAN LABOR-MANAGEMENT ASSOCIATION'S 11th ANNUAL GOLF OUTING

EVENT DATE: Thursday, September 9, 2010 **LOCATION:** WOODLANDS OF VAN BUREN
 Golf Course & Banquet Facility
 9670 Ecorse Road
 Wayne, MI 48184
 (734) 729-3812

TIME: Registration begins at 8:00 a.m.

FORMAT: Shotgun start at 9:45 a.m.

RESERVATION INCLUDES: 18 Holes with Cart / Unlimited use of Driving Range • Games of Skill (*Longest Drive, etc.*)
 Continental Breakfast • Lunch on the Turn & Beverages on the Course
 N.Y. Strip Steak Dinner (*Vegetarian Dinner upon Request*)
 Open Bar during Dinner and Awards Ceremony
 Putting Contest

COST: \$125.00 per Person • \$500.00 per Foursome • \$55.00 Dinner Only

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\$1,500 SILVER SPONSORSHIP (Includes: Logo on Banner, One Foursome, Hole Sponsorship.)

\$350 BRONZE "HOLE/TEE" SPONSOR

REGISTRATION FORM

Co./Union: _____	Golfers in your Foursome
Address: _____	1. _____
City: _____	2. _____
State/Zip: _____	3. _____
Phone: _____	4. _____

Enclosed please find remittance in the amount of \$ _____ for _____ golfers at the cost of \$125.00 per person.

Sponsorship \$ _____ Dinner Only (\$55.00) \$ _____

Signature: _____ Date: _____

Total amount enclosed \$ _____. *All monies must be received as soon as possible.*

Limited to 120 golfers. Participation will be on a first-come, first served basis. Don't miss out!

Mail registration form and check payable to: "MLMA Outing"
 MLMA Outing
 c/o Ron Torakis, Associate Vice President
 Labor Affairs, Health Alliance Plan • 2850 W. Grand Blvd. • Detroit, MI 48202

If you have any questions, please contact Doris Jordan-Smith, HAP, (248) 443-1038
Donations of premium golf "Give-a-Ways" will gladly be accepted by September 3, 2010

Michigan Labor-Management Association
36500 Ford Road, #264
Westland, Michigan 48185-2211



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Health Alliance Plan
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Summer • Fall 2010

Future Dates • Activities • Contacts

Michigan Labor-Management Association

- Bimonthly Board Meetings — September 27, and November 15, 2010
- 11th Annual Labor-Management Golf Outing at Woodlands of Van Buren — September 9, 2010
- Contact: Edgell Turnquist at (734) 354-8736 or webmaster@mlma.org
- For the Agenda, contact: Mike Nowakowski at (248) 250-9834 or mnowakowski@fmcs.gov

Southeast Michigan Labor-Management Association

- Contact: Edgell Turnquist at (734) 354-8736 or webmaster@mlma.org

Kalamazoo Area Labor-Management Committee

- Kalamazoo Area Labor-Management Monthly Meeting are held the 3rd Wednesday of each month (except July and August)
- Contact: Doreen Brinson at (269) 344-6708 or dabrinson@gmail.com

Muskegon Area Labor-Management Committee

- Contact: Shelly Fox at (231) 724-3178 or sfox@muskegon.org

Upper Peninsula Labor-Management Council

- Contact: Doreen Bower at (906) 466-0155

Mid-Michigan Labor and Employment Relations Association (Formerly IRRA)

- Contact: Karen Hagan at (517) 432-9896 or hagenk@michigan.gov

LERA Detroit Area Chapter

- President James Hoffa of the International Brotherhood of Teamsters, Southfield, Mich. — October 21, 2010

- Contact: Ed Hartfield at (586) 419-7417

Association for Conflict Resolution

- Contact: Bonnie Hanes at (248) 338-4280 or Mike Nowakowski at (248) 250-9834

Institute of Continuing Legal Education

- Contact: www.icle.org or 877-229-4350