

## Section offers mediator forum online

The Alternative Dispute Resolution Section of the State Bar of Michigan will conduct "Show Me the Money—a Mediator Forum—Where Mediators Learn from Each Other" online Thursday, June 27, from noon to 1:30 p.m. via Zoom.

The program will feature small group discussions where mediators share their favorite techniques, experiences, interventions, and approaches. After a brief introductory session, attendees will be randomly divided into small groups by Zoom. Each group will select a discussion leader to manage the discussion; and a "scrivener" to keep notes for posting the best ideas in the ADR Section resource library. After a time, new groups will be randomly selected to continue the discussion and exchange with a different group of colleagues. Two sessions are expected, each of which will be assigned different topics from the list below:

- Do you consider yourself an evaluative mediator, a facilitative mediator, or a combination of both? If both, under what circumstances and how do you do so? What explains your choice?
- Is it important for the mediator to know the negotiation history and most recently communicated proposals of the parties before the mediation begins? If so, how do you go about learning that history? Do you ask when the lawyers

are together or ex parte? Explain your practice.

- Do you try to influence which party should make the first proposal once the mediation commences? Do you try to work this out in advance or during the mediation itself? Why?
- How do you approach a participant who resists your recommendation to go first?
- As your general practice, who communicates monetary proposals and counterproposals to the offeree? Do you ask the parties to do it in joint session or does the mediator do it in caucus? If in joint session, do you review the proposal with the party privately first? Under what circumstances, if any, do you believe parties should deliver their proposals themselves?
- If an offeror does not provide one when outlining a proposal, do you solicit a rationale or explanation for their number? What is your purpose in seeking a rationale? Should the explanation be communicated to the offeree along with the proposal? Why or why not?
- In regard to opening offers, should the mediator simply communicate a proposal or counterproposal, or, encourage the offeror to modify it in some way? Does it matter whether the mediator suspects the proposal will be counterproductive?
- What is your practice in deliv-

ering and sequencing opening offers? Do you communicate an offer first or engage in risk assessment first? Explain your practice.

- How do you deal with party impatience and consternation when the pace of negotiations is proceeding slowly? Does it matter whether you agree or not?
  - Once the negotiation process has proceeded for a round or two, how do you deal with proposals you suspect might be perceived as "insulting"?
  - During the negotiation process, do you keep track of the mid-point between each proposal and counterproposal? For what purpose?
  - Do you use visual aids to assist in communicating proposals or in tracking the negotiation process? Explain.
  - Are you willing to make a mediator's proposal? When and under what circumstances? What is your practice in making a mediator's proposal? How do you do it?
  - Other than making a mediator's proposal, what are your favorite techniques for managing the negotiation of economic proposals and counterproposals?
- The Mediator Forum facilitators will be Zena Zumeta, Mediation Training and Consultation Institute; and Shel Stark, arbitrator and mediator.
- To register for the forum, visit <https://connect.michbar.org/adr/home>.

## Levin Center hosts symposium June 21

The Levin Center for Oversight and Democracy will present the State Oversight Academy Symposium 2024 titled "Legislators and Academics in Partnership" online Friday, June 21, from 8:30 a.m. to 4:30 p.m. via Zoom.

Last year, the State Oversight Academy's symposium connected scholars who study state legislatures with practitioners who serve as elected state lawmakers or as legislative staff. This year, it will take the same concept a step further: Equipped with this scholarly research, how can practitioners put these facts into practice to improve oversight in state legislatures?

This online event will begin

with last year's popular practitioner and scholars in dialogue format followed by a roundtable, in which scholars and practitioners will discuss how to put research into practice. Scholars and practitioners are invited to join to collaborate on these issues and work together to enhance legislative oversight practices and research in the field.

Scholars and graduate students are encouraged submit working papers on state legislative oversight and related topics. SOA will select three or four papers, each of which will be read by a practitioner who will give in-depth feedback based on their professional experience.

The morning of the symposium, scholars whose papers were selected will have 20 minutes to present their paper, followed by 15 minutes of feedback from the practitioner, and 10 minutes of questions and feedback from the audience.

Practitioners interested in reviewing research papers are encouraged to email Kyle Bule at [kyle.bule@wayne.edu](mailto:kyle.bule@wayne.edu).

The symposium will also recognize the inaugural SOA Oversight Leaders.

To register for the online symposium, visit <https://levin-center.org/state-oversight-academy/soa-symposium-2024>.

## DUGUID: Career to start in prosecutor's office

(Continued from page 1) school. After he died, she set her sights on a puppy from a litter from her grandmother's dog in Poland.

"When I was visiting my Babacia, I asked my mother if I could keep one. Long story short, I flew home from Poland with my first dog, Lola. Lola and I were always together and I spent my entire childhood with her," says Duguid, who has shared her law school years with a cat named Stella.

Duguid became passionate about the law from a young age, when there was always some sort of court or political channel playing on the TV.

"I was inspired by the lawyers who used their careers to change people's lives and get them the help they needed," she says. "I took classes in high school and undergrad that were law-focused, which helped me know that law was my life calling. I've always had a passion for helping people, and law is the perfect way to zealously fight for people's rights."

She earned a bachelor of science degree in Earth, Society, and Environmental Sustainability from the University of Illinois, and minored in Criminology, Law, and Society, before heading to MSU Law in 2021. In addition to the SALDF, she has served as head representative for the independent Bar preparation course BARBRI; as president of the Public Interest Law Society; and as marketing chair for the Women's Law Caucus. She particularly appreciates the feeling of community at the law school.

"Everyone is here to help you succeed and is your biggest cheerleader," she says. "The professors are inspiring, and the students are

passionate and hard-working. I'm so proud to be a part of this year's graduating class, as I know everyone will be using their degrees to help change the world for the better."

Highlights of law school include interning at the Ingham County Probate Court in the summer of 2022.

"I enjoyed watching lawyers fight for what they believe in, as well as helping prepare documents for various people in the courtroom," she says.

Her 2L year also saw her interning at the MSU Law Immigration Clinic, zealously fighting for her clients to stay in the country and seeing her work make an impact on clients. She spent last summer clerking for Fidelity National Title in Omaha, Neb., with 13 other clerks who became close friends and gave her a deeper insight into various law subjects.

She has externed in her final semester in the Environment, Natural Resources, and Agriculture Division at the Michigan Department of Attorney General.

Duguid will move from Okeemos to Muskegon in July, to start her post-grad career by working in the Family Court Division of the

Prosecutor's Office.

"I will be helping children who are victims of child abuse and neglect. I know I'll be fulfilling my career goals, as it will help keep the children safe and hold parents accountable," she says. "My career goals are to help people through the law. I wish to use my degree to help make people's lives better and the community safer as a whole."

In her leisure time, this native of Barrington, Ill., enjoys traveling, painting, hiking, and skiing.

She has happy memories of study abroad in Poland, her mother's native country. In 2019, she spent two months interning at an international law firm in Krakow that helped seek asylum for refugees, and studied at Jagiellonian University.

"Growing up, I would spend my summers visiting my family. When I was given the chance to study abroad at Jagiellonian, I jumped at the opportunity," she says. "During my semester there, I was able to spend time with my family, immerse myself in my family's culture, and see Poland from a different point of view. Seeing it as a tourist, rather than a family visitor, was a completely different experience."

## REPORT: Success of courts published

(Continued from page 1)

Michigan remains a national leader with 28 VTCs. Problem-solving courts focus on providing treatment and intense supervision to offenders as an alternative to incarceration. These include drug and sobriety, mental health, veterans, and other nontraditional courts. The Supreme Court, through its State Court Administrative Office, assists trial court judges in the management of these courts by providing training, education, operational standards, monitoring, certification requirements, and funding.

# PREMI ADR SPOTLIGHT

## Michigan Court of Appeals reverses circuit court vacatur of public sector labor arbitration award

By LEE HORNBERGER

### Introduction

This article reviews *Michigan Dep't of State Police v Michigan State Police Troopers Ass'n*, \_\_\_ Mich App \_\_\_, COA 363241 (December 28, 2023) (Judges Gleicher, Jansen, and Rick), app lv pdg. In *Michigan Dep't of State Police*, the Court of Appeals reversed the Circuit Court vacatur of a public sector labor arbitration award.

### Précis

Defendant Union appealed the Circuit Court's order denying the Union's motion to enforce a labor arbitration award and granting the Employer's motion to vacate the award. The Court of Appeals reversed the Circuit Court and remanded the case for the entry of an order enforcing the award. The issue was whether the award complied with the terms of collective bargaining agreement (CBA) and whether the Circuit Court substituted its own judgment for that of the arbitrator by vacating the award. The CBA indicated the arbitrator had the authority to reinstate an employee, reduce the length of a suspension, and take any other action necessary to make the employee whole after a wrongful discharge or suspension. The CBA did not prohibit the arbitrator from reducing Grievant's discipline from discharge to unpaid suspension. The CBA gave the arbitrator the power to determine whether the employee was discharged without just cause. The arbitrator concluded Grievant was discharged without good cause and determined that an unpaid suspension should be imposed. The Court of Appeals held that the Circuit Court erred by vacating the award.

### Factual Outline

Grievant was a Michigan State Police trooper. The events leading to her discharge occurred at a Union event. Grievant was intoxicated and allegedly "wedged her fingers into the anal crevice of a co-worker while he was walking next to his wife." A surveillance video showed Grievant trying to grab his genitals and striking a second male coworker in the genitals. Grievant also was recorded attempting to grab the anal crease and genitals of a third male coworker.

Criminal charges were brought against Grievant. In exchange for the dismissal of the CSC-IV counts, Grievant pleaded no contest to assault and battery. Grievant was sentenced to 30 days in jail. She was released after 21 days.

The Employer discharged Grievant. The arbitrator ruled there was no just cause for the discharge and reinstated Grievant with a suspension.

The Union argued that the arbitrator had sole authority to determine whether there was just cause for discharging Grievant relying on the CBA language providing



Lee Hornberger

that "[t]he arbitrator shall have no authority except to pass upon ... a claim of suspension, discharge, or demotion without just cause." Emphasis added.

CBA Article 8, Part A, Section 1, stated:

The Employer will utilize disciplinary action only for just cause toward employees who engage in violations of the Code of Conduct. It is the intention of the Employer to utilize discipline by progression, when appropriate. Emphasis added.

The Award stated:

Essentially, the dispute between the parties is over whether progressive discipline should have been applied rather than termination of employment. ...

The key issue is whether under the totality of the circumstances the Employer had just cause for terminating [Grievant's] employment. Determining just cause requires weighing a number of factors. A very significant factor, which is explicitly included in the parties' contract, is a consideration of whether progressive discipline is appropriate. ...

... The parties' contract calls for progressive discipline when appropriate. It is my conclusion that progressive discipline is appropriate in this case.

The Employer asked the Circuit Court to vacate the award. The Union requested that the award be confirmed. The Circuit Court vacated the award. The Union appealed to the Court of Appeals.

### Court of Appeals decision

The Court of Appeals indicated that a court in an award vacatur action may not substitute its judgment for that of the arbitrator. The court "may only decide whether the arbitrator's award 'draws its essence' from the contract. If the arbitrator in granting the award did not disregard the terms of his employment and the scope of his authority as expressly circumscribed in the contract, judicial review effectively ceases." *Sheriff of Lenawee Co v Police Officers Labor Council*, 239 Mich App 111, 118 (1999).

The CBA had provisions discussing the arbitrator's authority

to review discipline and discharge cases. According to the Court of Appeals, "[t]hese provisions directly indicate that the arbitrator has the power to reinstate an employee, reduce the length of a suspension, and take any other action necessary to make an employee whole after wrongful termination or suspension."

The Employer argued that the CBA limited the arbitrator's authority to determining whether just cause existed for the discipline, "while leaving the actual method of discipline solely in the [employer's] hands."

The Court of Appeals disagreed with the Employer. The Court of Appeals indicated that under CBA Art. 9, Sec. 6:

The arbitrator shall have no authority except to pass upon alleged violations of the expressed written provisions of this Agreement, the unreasonableness or misapplication of a rule or regulation, that a work order was unreasonable and arbitrary or involves discrimination in application, or a claim of suspension, discharge, or demotion without just cause. [Italics in original.]

The Court of Appeals concluded that these portions of the CBA suggest that while the Employer may have authority to suspend or discharge employees, the arbitrator has the power to overturn such decisions if they are made without just cause. According to the Court of Appeals, nothing in the CBA suggests that an arbitrator is only authorized to determine whether just cause existed for the general discipline of an employee, rather than whether just cause existed for discharge. The arbitrator is empowered to determine whether a discharge was without just cause.

According to the Court of Appeals, the Circuit Court overlooked that the CBA specifically gives the arbitrator the authority to determine whether a discharge was issued without just cause. Logically, if the discharge was without cause, the arbitrator would have the authority to determine, what, if any, discipline should be imposed.

The Employer argued that the award violated public policy. The Circuit Court did not address this issue. The Employer argued that the award was inconsistent with MCL 28.4 which provides that Michigan State Police Officers must be "of good moral character." The Court of Appeals concluded that this argument lacked merit, indicating "[i]t would be a fairly large leap of logic for this Court to infer that what ultimately amounted to misdemeanor behavior caused by excessive drinking at an after-hours event with coworkers means that the grievant was not of good moral character."

*Michigan Dep't of State Police v Michigan State Police Troopers Ass'n* is consistent with the Trilogy. In 1960, the United States Supreme Court issued the Steelworkers Trilogy concerning labor

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# COMMENTARY

## Elites of yesterday and today exhibit need to be revered

BY SAMUEL DAMREN

This is the second commentary in a series examining Niccolò Machiavelli's analysis of the challenges facing just political institutions, past and present, and his admonitions regarding the steps needed to preserve their continuity.

Machiavelli is a controversial figure from the Italian Renaissance. He combined political experience in the chancery of Florence with noted scholarship and literary skill. By the end of his life, Machiavelli enjoyed greater recognition across Italy as an accomplished dramatist and poet than for the political works for which he is known today.

One of Machiavelli's original contributions to political theory, contained in "The Discourses on the Ten Books of Livy," concerns discord. Contrary to the accepted views of other contemporary historians, Machiavelli contended that "disturbances between nobles and the plebeians ... were the primary cause of Roman liberty" in the Golden Age of the empire.

The assertion arose from Machiavelli's more generalized observation that "in every republic there are two different tendencies, that of the people and that of the upper class, and that all of the



Samuel Damren

laws which are passed in favor of liberty are born from the rift between the two."

In the ancient Roman republic, that "rift" resulted in the creation of separate consuls and tribunes: one selected by Senate nobles and the other selected by a plebeian assembly. These officials could exercise power in enforcing and proposing laws, but they also could obstruct the powers of one another.

As a consequence, Machiavelli argued that the "people" and the "upper class" were forced to

debate, discuss, and productively negotiate proposed laws to the satisfaction of each other. The process was not simply the product of acknowledged mutual dependency.

To ensure the integrity of the process, tribunes were granted the "power to indict citizens ... when they commit any kind of offense against free government" as well as the complementary power "to punish those who make false accusations."

These powers were routinely exercised during the period where Machiavelli conceived Rome as the "perfect republic." Without such institutional powers, factions would be permitted, and encouraged, in Machiavelli's view, to corrupt forums of government where "wise men" had the opportunity to bring just resolution to political discord.

Machiavelli places significant blame for the erosion of these values and the undermining of critical institutions in ancient Rome on the failure of succeeding emperors to place stewardship of the republic ahead of personal ambition. He is far more caustic in his literary denunciations of the desire of factions in Italy's 16th century elites to be "worshipped" rather than govern and thereby "become stained with

every sort of filth."

In one of his famous plays, "The Art of War," Machiavelli directs his protagonist, Fabrizio Colonna, to deride such "princes" — "They believed it was sufficient to be able to think up a clever riposte ... to display wit and quickness in speech; to know how to concoct a scam; to adorn oneself with precious stones and gold; to slumber and dine in greater luxury than anyone else; to keep plentiful lascivious pleasures at hand; to treat one's subjects with avarice and arrogance; to become enfeebled with indolence; to award military promotions in exchange for favors; to display contempt if anyone showed some praiseworthy way; and to want their words to be accepted as the responses of oracles."

Similar disturbances in MAGA politics now work to corrupt American political institutions.

The next commentary in this series presents Machiavelli's views on the Roman office of dictator. And yes, they had such an office in ancient Rome; but no, it is not what you think.

Samuel Damren is a retired Detroit lawyer and author of "What Justice Looks Like."

## Protesters keep missing the point in all their outrage

BY BERL FALBAUM

An open letter to pro-Palestinian protesters:

You have been very busy these last few months, protesting on campuses, interrupting graduation ceremonies, and making your voices heard elsewhere.

I'll confess I have not fully understood your value system which defends terrorists that behead civilians, burn some alive, riddle babies with bullets, gang rape women, and then celebrate their mayhem.

I listened to a tape of a terrorist calling his parents on October 7, bragging he killed 10 Jews and the parents blessed him. I don't know what's wrong with me not to comprehend such parental pride.

I have also tried to grasp your support for Hamas which uses civilians as shields, firing from mosques, apartment buildings, tunnels under civilian infrastructures, schools, etc.

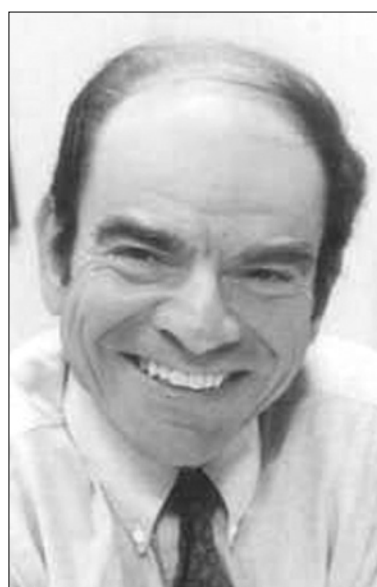
For instance, I am confused how Queers for Palestine support Hamas when, if they lived under Hamas's rule, they would be beheaded and under the governance of the Palestinian Authority would serve 10 years in prison for homosexuality.

Then we have women protesters, women who in "Hamasland" would suffer severe restrictions, including needing a male guardian just to travel.

Pardon my intellectual and moral inability to process this. I am a bit ashamed of myself — it has played havoc with my self-esteem — for not being able to process your support of savagery and deadly discrimination in the name of humanitarianism.

I take full responsibility. But, make no mistake about it. I have tried. I grappled and grappled with it in my head to no avail. Again, shame on me!

I also want to acknowledge that given your obsession with Israel, I understand how it might have



Berl Falbaum

escaped your attention that, beside Gaza, there are atrocities elsewhere.

After listening to your uncompromising commitment to humanitarianism, I am listing a few to which you might devote some attention. Given space limitations, each is just a brief summary.

We'll begin with Sudan in northeast Africa.

Millions are facing starvation; women are gang raped daily; children are shot in their beds; ethnic cleansing is the objective of armed forces. Hundreds of thousands of civilians have died; no one knows exactly how many.

"There's a racist element," writes Nicholas Kristof, a New York Times columnist. "Arab militias mock their victims as 'slaves' and taunt them with racial epithets; the non-Arabs are often darker skinned. The militias seem to be trying to systematically eliminate non-Arab tribes from the area."

If this does not interest you, try Yemen.

"The country's humanitarian crisis is said to be among the worst in the world, due to widespread hunger, disease, and attacks on civilians," says the

Council on Foreign Relations.

Adds UNICEF:

"Yemen remains one of the largest humanitarian crises in the world, with around 9.8 million children in need of one or more forms of humanitarian assistance.

"After nine years of conflict, the national socioeconomic systems of Yemen remain on the edge of total collapse, while conflict, large-scale displacement and recurring climate shocks have left families vulnerable to communicable disease outbreaks.

"Millions of children lack access to safe water, sanitation and hygiene services, and the country continues to experience regular outbreaks of cholera, measles, diphtheria and other vaccine-preventable diseases."

That doesn't appeal to you either? Okay, how about Pakistan?

From Wikipedia:

"In October 2023, the government of Pakistan announced a plan to deport foreign nationals who either do not have valid visas or have overstayed their visa for more than one year.

"The mass deportations affect primarily Afghans who fled to Pakistan after Taliban's takeover of Afghanistan. There were 3.8 million Afghans in Pakistan at the time the deportation order was announced. Afghans accounted for 95 percent of the foreign nationals in Pakistan."

Call me picky and while I lack your commitment to morality, I would think any one of these three deserve some protests. But I will give you the benefit of the doubt and let you choose from other humanitarian disasters in the world, including those in Syria, the Democratic Republic of the Congo, Afghanistan, Ethiopia, Myanmar, Haiti, and Ukraine.

You remember Ukraine? It is in the third year of an unprovoked war launched by Russia which not only has been relentless in its attacks on civilians and guilty of

barbarism and butchery, but has kidnapped thousands of children. Ten million Ukrainians have been displaced.

The New Humanitarian, which describes itself as an independent, nonprofit newsroom, observes:

"...[I]t's important to remember that many...crises...are too easily forgotten by the media and neglected by aid donors [and protesters] — often just because of their complexity or their relative lack of geopolitical importance."

("and protesters" is my insert).

Dear anti-Israel activists, if none of the above whets your protest appetites, according to various sites on the Internet, there are 32 countries at war presently. There is no shortage of potential protest sites; there are plenty to choose from.

If you decide to examine other possible targets for your outrage, you don't have to abandon your Gaza cause. As you sit in your encampments why not divide into groups, each one taking up one crisis.

I am confident the murderers of civilians, rapists and terrorists in countries at war will honor your claims to "freedom of speech" and will look forward to engaging with university professors in debates about academic freedom.

As you choose new sites to protest, invite members of the United Nations, world leaders who share your "values," particularly those from South Africa who continually levy charges against Israel in the International Court of Justice and the International Criminal Court but ignore humanitarian crises on its home turf. Apparently, South Africa understands you completely.

Finally, alert the main stream media because, like you, they have suffered from a severe case of political, moral, and humanitarian amnesia.

Berl Falbaum is a veteran journalist and author of 12 books.



## Appeals court reverses circuit court vacatur of public sector labor arbitration award

(Continued from page 4)

arbitration awards. *Steelworkers v Enterprise Wheel Car Corp*, 363 US 593 (1960), considered the role of the federal courts in enforcing awards. "The refusal of courts to review the merits of an arbitration award is the proper approach to arbitration under" CBAs because the "federal policy of settling labor disputes by arbitration would be undermined if courts had the final say on the merits of the awards." Id. at 596.

*Michigan Dep't of State Police consistent with Michigan case law* Lichon v Morse, 507 Mich 424 (2021), involved an employee manual agreement to arbitrate. Lichon stated,

... in the context of [CBA]s, we [have] held that it was appropriate to apply United States Supreme Court precedent regarding the National Labor Relations Act (NLRA) ... to contracts entered into under the state's public employment relations act ... This is not a rule we have adopted outside of the context of collective bargaining agreements, and we decline to do so now [in an employment arbitration case]. Id. at 467-468.

*Beck v Park West Galleries, Inc*, 499 Mich 40 (2016), considered whether arbitration clauses in invoices applied to disputes arising from prior purchases when the invoices for prior purchases did not refer to arbitration. Beck held the arbitration clause contained in later invoices cannot be applied to disputes arising from prior sales. Beck recognized the policy favoring arbitration of disputes arising under CBAs but said this does not mean an arbitration agreement between parties outside of the collective bargaining context applies to any dispute arising out of any aspect of their relationship. Beck is an example of the Supreme Court treating an arbitration issue within the collective bargaining process differently from outside the collective bargaining process.

In *36th Dist Ct v Mich Am Fed of State Co and Muni Employees*, 493 Mich 879 (2012), the Supreme Court held MCR 3.106 does not preclude reinstatement and back pay where the CBA has a just cause standard for discharge.

*Kaleva-Norman-Dickson School District No 6 v Kaleva-Norman-Dickson School Teachers' Ass'n*, 393 Mich 583, 591 (1975), stated,

The policy favoring arbitration of disputes arising under [CBA]s, as enunciated by the United States Supreme Court in the *Steelworkers' Trilogy*, is appropriate for contracts entered into under the PERA.

*Michigan Association of Police v Pontiac*, 177 Mich App 752,

759-760 (1989), stated:

It is accepted that an arbitrator, if not specifically limited by the terms of the collective bargaining agreement, is free to fashion a remedy which considers the relative faults of the parties. ...

Where the CBA is silent as to permissible remedies, an arbitrator does not add to the obligations contractually assumed by the parties by fashioning a remedy which is appropriate under the circumstances. *Wayne Co Bd of Comm'rs v National Union of Police Officers*, 75 Mich App 375, 381 (1977), lv den 401 Mich 817 (1977).

*Michigan Dep't of State Police consistent with arbitral authority*

The Michigan Dep't of State Police decision is consistent with the proposition that, "[a]bsent a specific provision establishing that violation of a provision [of the CBA] results in discharge, the arbitrator has broad leeway to determine whether the discipline imposed fits the charge of misconduct." Farrell, "Due Process/Just Cause Issues," *References for Labor Arbitrators* (American Arbitration Association, 2005), p. 32. Elkouri & Elkouri, *How Arbitration Works* (8th ed 2016), pp. 18-46 to 18-49.

Conclusion

In conclusion, Michigan Dep't of State Police is consistent with Michigan Supreme Court decisions, the language of the CBA, and general arbitral authority.

Lee Hornberger is a member of the National Academy of Arbitrators. He is former chair of Alternative Dispute Resolution Section of State Bar of Michigan, Editor Emeritus of *The Michigan Dispute Resolution Journal*, former member of SBM Representative Assembly, former president of Grand Traverse-Leelanau-Antrim Bar Association, and former Chair of Traverse City Human Rights Commission. He is member of Professional Resolution Experts of Michigan (PREMi) and diplomate member of The National Academy of Distinguished Neutrals. He is Fellow of American Bar Foundation; and Fellow of Michigan State Bar Foundation. He has received Distinguished Service Award from SBM ADR Section in recognition of significant contributions to field of dispute resolution and George Bashara Award from ADR Section in recognition of exemplary service. He has received Hero of ADR Awards from ADR Section. He holds his B.A. and J.D. from University of Michigan and his LL.M. in Labor Law from Wayne State University. He can be contacted at leehornberger@leehornberger.com and 231-941-0746. His website is www.leehornberger.com.

## COMMENTARY PAGE

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Anyone interested in contributing on an occasional or weekly basis to future commentary pages should contact Tom Kirvan, editor-in-chief, at tkirvan@legalnews.com.

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