



PRESS RELEASE

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Grosse Ile 2020 Candidates Team Reacts to Michigan Court of Appeals Verdict Rejecting Township Board Lawsuit Against Grosse Ile Police Officers Association

Township Board Rejection at High Court Means \$175,000+ of Island Taxpayers' Money Spent on Losing Lawsuit, Complete Vindication of Township Police Commissioners Removed by Township Supervisor Brian Loftus and Township Trustee Carl Bloetscher

Grosse Ile, Michigan - On Thursday, June 25, the Michigan Court of Appeals (COA) issued a scathing 10-page opinion rejecting the Township Board's lawsuit against the Grosse Ile Police Officers Association (GIPOA) which has been in litigation since early 2019. The COA opinion can be viewed online (http://publicdocs.courts.mi.gov/OPINIONS/FINAL/COA/20200625_C348379_30_348379.OPN.PDF).

The Township Board's lawsuit originated from a grievance the GIPOA filed with the Township Police Commission in 2017 to adjudicate a unilateral action by Township Manager Dale Reaume -- taken with the full support of Township Supervisor Brian Loftus and Township Trustee Carl Bloetscher -- thought to be a material breach of the collective bargaining agreement (CBA) that controls the salaries and benefits of non-management level Grosse Ile Police Department officers and other public safety personnel who are actively employed or retired.

For decades, the GIPOA has exclusively represented these front-line public safety workers serving Islanders. The GIPOA has negotiated CBAs that enabled the Township to attract and retain highly qualified employees while controlling costs for Grosse Ile taxpayers in good faith negotiations with the Township Manager and Township Board. The CBA currently in effect was negotiated and signed in 2016, and its term goes to 2022.

The COA ruling means that the Township Board must abide by a 2017 decision of the Township Police Commission which determined Township Manager Reaume's unilateral decision to increase Township Police Department retirees' health insurance premium payments was a violation of CBA signed by the Township Board and the GIPOA. **The COA opinion states,** "The CBA is clear and unambiguous...the Township Board ratified the contract...And this clear and unambiguous language must be enforced as written."

The COA decision also thoroughly disproves the primary allegations made by Supervisor Loftus and Trustee Bloetscher to convince a five-member majority of the Township Board to remove Mike Jurecki and Bob Zelasko from the Township Police Commission during a highly controversial, widely attended Township Board Meeting held on September 9, 2019. At this meeting, Supervisor Loftus and Trustee Bloetscher angrily accused Mr. Jurecki and Mr. Zelasko of violating Township Ordinances that control how the Township oversees contractual agreements for employing police officers and other public safety officials.

The roll call vote for Supervisor Loftus and Trustee Bloetscher's motion to remove Mr. Jurecki and Mr. Zelasko from the Township Police Commission was 5 "yes" (Brian Loftus, Carl Bloetscher, Ute O'Connor, Ted Van Os, and Jim Nelson) to 2 "no" (Jim Budny and Tom Malvesto). The Township Board's discussion and vote on this matter can be viewed on the Township's YouTube channel (<https://youtu.be/V8GfcHfobuk?t=88260>).

The COA opinion totally destroys the arguments of Supervisor Loftus and Trustee Bloetscher as it states:

"Lastly, plaintiff [Township Board] consistently argued in the trial court and on appeal that the Police Commission participated in improper bargaining over terms and conditions of employment. This did not occur. The Police Commission did not participate in any bargaining, but rather, fulfilled its role in the grievance process...Therefore, the local [Grosse Ile Township] ordinance...that empowers the Police commission to 'make recommendations' as to the content of CBAs, was not violated...There is no genuine issue of material fact that the Police Commission had the authority to hear and decide this grievance under Step III of the CBA under the clear and unambiguous language of the contract."

To date, it is believed that the Township Board has spent more than \$175,000 of Grosse Ile taxpayers' money to pay a specialized labor attorney from a high-powered Downtown Detroit law firm to litigate this matter. The GIPOA is thought to have spent a similar amount of money on defending its position.

Grosse Ile 2020 Candidate for Trustee Joe Porcarelli said:

"I was the Township Chief of Police when Township Manager Dale Reaume, Supervisor Brian Loftus and Trustee Carl Bloetscher started this dispute with the Police Union by unilaterally trying to break the collective bargaining agreement, and force them to accept a change in benefits that was not agreed to during the extensive negotiations in 2016 that led to both parties signing this six year contract.

I never understood the logic of litigating this issue in the court system because the entire value of the potential savings to the Township for increasing the Police Union retirees' health insurance premium payments from the beginning was calculated to be far lower than the potential cost of legal fees to win a judgment that at best had highly doubtful odds of success. The Police Union estimated this premium increase would only save the Township approximately \$15,000 over five years of the collective bargaining agreement.

As it turned out, the Township Board has wasted more than \$175,000 of Island taxpayers' money for absolutely no gain while actually hurting the morale among the rank and file police officers. During my 33 1/2 year tenure of serving Islanders in the Grosse Ile Police Department which included more than 9 years as Chief, I have never witnessed anything more counter-productive to the mission of law enforcement and public safety in this community. I can assure Islanders that if I am elected to the Township Board, I will never allow this to happen again."

Despite the overwhelming nature of the loss at the COA, the Township Board still has the right to appeal its litigation to the Michigan Supreme Court to determine if there is any slim chance the top judicial body in the state might view the matter differently. Pursuing litigation at the Michigan Supreme Court can make a lawsuit drag on for years, and often dramatically increases the cost of litigation for the appealing party with little chance of obtaining a different verdict.

The futility of an appeal to the Michigan Supreme Court is further underscored by the fact that the GIPOA won a favorable ruling from the Michigan Employment Relations Commission (MERC). MERC is the state agency that resolves labor disputes involving public and private sector employees by appointing mediators, arbitrators and fact finders as well as adjudicating unfair labor practice cases. On June 26, 2019, MERC Administrative Law Judge Travis Calderwood issued a strongly worded 13-page opinion about the GIPOA's complaint that the Township failed to abide by the Township Police Commission's grievance decision.

MERC Judge Calderwood's ruling states:

"Grosse Ile Township, its officers and agents, are hereby order to:

1. Cease and desist from repudiating and/or unilaterally altering the grievance procedure as set forth in the parties' 2016-2022 collective bargaining agreement by limiting the authority of the Police Chief and Police Commission to hear grievances filed thereunder.
2. Take the following affirmative action necessary to effectuate the purpose of the Act:
 - a. Rescind the July 10, 2018, memorandums which substituted the Township Supervisor in place of the Chief of Police and Police Commission in grievances filed under the parties' 2016-2022 collective bargaining agreement.
 - b. Make employees within the Association's bargaining unit whole for any loss incurred as a result of the Township's repudiation and/or unilateral alteration of the grievance procedure set forth in the parties' 2016-2022 collective bargaining agreement."

Now that the COA has issued such a compelling opinion, the MERC is expected to soon take further action against the Township to stop its unfair labor practices. The MERC opinion can be viewed online (<https://tinyurl.com/MERCopinionGrosselleTwp2019>).

Grosse Ile 2020 Candidate for Township Trustee Mike Jurecki said:

"I am grateful that the Court of Appeals decisively rejected Supervisor Brian Loftus and Trustee Carl Bloetscher's highly politicized attack on the integrity of Bob Zelasko and me. Our conduct on the Township Police Commission was always based on what was in the best long-term interests of Islanders. Our top priority was always doing what was right to keep Grosse Ile the safest community in Michigan.

Having worked as the chief executive officer in a corporation, I am by no means someone who reflexively concedes to every employee group's wish for compensation and benefits. But, I do believe that good faith negotiations in an employee agreement, vendor contract or collective bargaining process have generally proven to provide 'win-win' outcomes in both the private and public sectors. And I certainly think that once a contract is signed, all parties have an uncompromisable legal and ethical obligation to uphold their responsibilities for performance. The Township's word must be its bond.

Bob and I plus one other Commissioners serving at the time firmly believed the Police Commission had an unquestionable duty to appropriately address the Grosse Ile Police Officers Association's legitimate grievance about the Township management's blatant violation of the collective bargain agreement.

I am glad the Court of Appeal's ruling fully exonerates us of any errors in judgment. This smear campaign against Bob and me is just one of many reasons why the five-member voting block on Township Board controlled by Supervisor Loftus must be replaced in this year's Township Board election."

Grosse Ile 2020 Candidate for Supervisor Jim Budny said:

"I never take pleasure in seeing the Township Board lose any lawsuit, but it is time to settle this dispute now that the Court of Appeals has ruled in such a clear and convincing manner.

I am, however, gratified that the verdict fully justifies my vote against the action by Supervisor Brian Loftus and Trustee Carl Bloetscher to remove Mike Jurecki and Bob Zelasko from the Township Police Commission during the Township Board Meeting on September 9, 2019. The high court found that Supervisor Loftus and Trustee Bloetscher's allegations against Mr. Jurecki and Mr. Zelasko were completely without merit.

Appealing this lawsuit to the Michigan Supreme Court would only serve to advance the political narrative of Supervisor Loftus and Trustee Bloetscher. The position of Supervisor Loftus and Trustee Bloetscher was already very weak given that the Grosse Ile Police Officers Association won an unfair labor practice claim against the Township at the Michigan Employment Relations Commission in 2019.

I cannot condone gambling Grosse Ile taxpayers' money on further litigation that stands no realistic chance of producing a different outcome. It is time for Supervisor Loftus and Trustee Bloetscher to stop playing politics with the help of Downtown Detroit bigshot labor lawyers.

The Township Board must now get back to solely focusing on supporting the men and women of the Grosse Ile Police Department as they strive to keep our community the safest in Michigan. The Township must show our police officers that we truly value their service."

In addition to forceful reactions by the Grosse Ile 2020 Candidates Team, the GIPOA President Kevin Counts issued a blistering response to the COA decision that is posted on the organizations' Facebook Page (https://m.facebook.com/story.php?story_fbid+298642664854809&id=109919947060416).

The statement by Officer Counts explains the GIPOA's views about this disagreement with Township Manager Reaume, Supervisor Loftus and Trustee Bloetscher that has befallen the dedicated men and women of the Grosse Ile Police Department for the last several years. He highlights the fact that the GIPOA has worked in good faith to resolve this controversy that they did not start. **Officer Counts said:**

"Despite the Board's very unreasonable actions, the Union has made VERY reasonable offers to avoid lawsuits; hoping to prevent the exorbitant cost associated with legal counsel fees and filing expenses, which is an immediate loss for both the Union and the taxpayers. We offered the Township leadership almost everything they sought to gain from their actions and our offers fell on deaf ears...I hope for the sake of the taxpayers of Grosse Ile, that they [Township Board] will accept their actions and conduct have been wrong on every level and will stop writing checks from the taxpayers' wallets."

About the Grosse Ile 2020 Candidates Team

During April of 2020, seven Island residents filed applications to run in the 2020 Republican Primary Election in August as a slate of candidates named Grosse Ile 2020 for all elected positions that comprise the Grosse Ile Township Board. The following is the Grosse Ile 2020 Candidates Team with the positions being sought: Jim Budny, Supervisor; David Nadeau, Treasurer; Mark Lane, Clerk; Joe Porcarelli, Trustee; Mike Jurecki, Trustee; Mark Mills, Trustee; and Jamison Yager, Trustee.

The mission of the Grosse Ile 2020 Candidates Team is to provide the citizens of Grosse Ile with honest, respectful and responsive local government that delivers outstanding services and enacts sound policies which support excellent quality of life in the most cost-effective manner. These candidates developed the Grosse Ile 2020 Campaign Platform to resolve problems with the operations of the current Township Board and increase the fiscal responsibility of Township government while creating new opportunities to improve the quality of life in the community. To learn more about the Grosse Ile 2020 Candidates Team, view their web site at www.grosseile2020.com

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