Court of Appeals, State of Michigan

ORDER

36th District Court v AFSCME Local 3308

Docket No. 291643

LC No. 08-117123-NZ

Karen Fort Hood
Presiding Judge

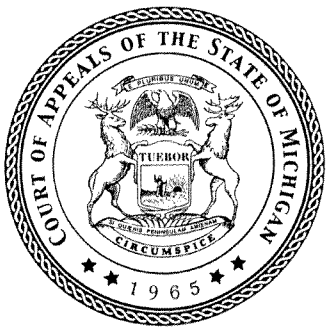
Michael J. Talbot

Christopher M. Murray
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the March 26, 2009, order of the Wayne Circuit Court granting summary disposition to defendant and directing the parties to arbitrate grievances hereby is REVERSED. The events upon which defendant relies occurred after the expiration of the collective bargaining agreement (CBA) and defendant has not shown that its right to continue to arbitrate grievances derived from the original agreement. The right to grievance arbitration survives the expiration of a CBA only when the grievance concerns the kinds of rights that could accrue or vest during the term of the CBA, unless the CBA specifically provides otherwise. *Gibraltar School Dist v Gibraltar MESPA-Transportation,* 443 Mich 326, 348; 505 NW2d 214 (1993). The rights asserted by the grievants in this case are not within the type of right that accrues over time or vests upon a particular contingency. *Ottawa Cty v Jaklinski,* 423 Mich 1, 26; 377 NW2d 668 (1985). Plaintiff thus has no obligation to submit those grievances to arbitration under the terms of the expired CBA. The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 24 2009
Date

Sandra Schultz Mengel
Chief Clerk