

MICHIGAN SUPREME COURT HEARS CHALLENGE TO STATES RIGHT TO WORK LAW

January 20, 2015 | [Unions And Union Membership, Labor Relations](#)



Keith J. Brodie

Partner

Last Tuesday, the Michigan Supreme Court heard arguments in [UAW v. Green, Case No. 147700](#), which the United Autoworkers (UAW) filed to challenge the application of Michigan's Right to Work law to 35,000 State employees. The UAW has been arguing that Michigan's Right to Work law does not apply to state employees who are under the jurisdiction of and whose wages are set by the Michigan Civil Service Commission. The UAW suit is an effort to protect its dues/fees collection from the 17,000 state employees it represents. The UAW's argument is premised in part on the Civil Service Commission's specific incorporation into the State of Michigan Constitution from which it argues that the historically Democrat controlled Commission should still therefore be able to mandate that state employees under its jurisdiction be forced to pay fees to unions to maintain collective bargaining agreements. Previously, the [Court of Appeals](#) ruled against the Union's position. At Tuesday's hearing a number of the justices seemed equally skeptical. The Attorney General has argued the authority to set conditions of employment rests with the legislature, not the Commission. Based on some of the questioning by Justices Robert Young and Brian Zahra, it could be the Court is poised to delve into that wider question: the actual scope of the Commission's authority verses that of the legislature. Should the court go beyond the narrower issue presented as to the reach of Michigan's Right to Work law, it may be that the Union will regret having filed its lawsuit. We will continue to monitor this and other Michigan Right to Work developments as several challenges and issues continue to work their way through the state court system.

RELATED PRACTICE AREAS

Collective Bargaining
Labor and Employment
Labor Relations
Union Avoidance

RELATED TOPICS

Civil Service Commission
Michigan
Right to Work