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Civil Service Allows Union PAC Payroll Deductions

The state's employee unions can negotiate with the State Employer for an automatic payroll deduction for political action committees (PAC) under a controversial new rule approved 3-1 today by the Civil Service Commission (CSC) this afternoon.

The rule steps into a hot political issue that touches into the ease in which unions can extract money from members that can be used for political campaigns. Currently, unions cannot use their dues for their PACs, relying instead on irregular contributions from members.

Under today's proposal, the unions would still have to reimburse the state for any costs associated with putting in place the payroll deduction mechanism.

"This would put (our contributions) on a more massive scale," said Roberto **MOSQUEDA**, president of the Michigan State Employees Association of the proposal. "It is a good motivator for our members to get active in the political process."

In general, Democrats support the initiative, seeing unions tend to contribute almost exclusively to them. The Michigan Chamber of Commerce, which tends to support mostly Republican causes, is vehemently opposed to opening up this new spigot.

State Employer Scott **BOWEN** brought the issue to the CSC as part of a requirement in the state's recent negotiated contract with the labor unions. Bowen told the CSC that if the four-member body granted him the authority to put PAC payroll deductions on the table for negotiation, he would reopen negotiations with the unions on the issue immediately.

As far as implementation, Bowen projected little cost or little time involved in getting the program off the ground, a bit of a different tune than the one sung by State Personnel Director James **FARRELL**, who was unable to pin the costs associated with implementing the change to anything more specific than "somewhere between miniscule to very significant."

Voting in favor of the recommendation were CSC Chair Bryan **WALDMAN**, Andrew **ABOOD** and Thomas **WARDROP**. Waldman and Abood are active contributors to Democratic Party candidates, having given \$2,400 and \$1,000, respectively to Gov. Jennifer **GRANHOLM**'s campaign last cycle, among other candidates.

Wardrop, a personal injury attorney from Grand Rapids, has given to Democratic and Republican House candidates, but was most active last year politically when he sunk \$2,614 of his own money into Bowen's bid to become the Democratic Party's Attorney General

candidate.

MIRS was unable to find any state campaign contributions made by the lone no vote on today's decision, Sherry **McMILLAN**.

The debate over whether to approve the rule centered around a few issues, the first being the impact of an Ingham County Circuit Court decision in *MEA v. Land* in which a school district was allowed to automatically deduct money from its employees' paychecks. The case is currently on appeal in front of the Court of Appeals.

Bob **LaBRANT** of the Michigan Chamber of Commerce and the Attorney General's representative, Susan **PREZEKOP-SHAW**, argued that a local court case is not legally binding until an appellate court weighs in. That means the current law regarding whether the CSC could adopt the rule in question comes from Attorney General Mike **COX**, who has issued an opinion stating that it cannot (See "Cos: Civil Service Cannot Proceed," 12/18/07).

Proponents for the rule change — including Bowen, Waldman, Abood and Wardrop — said Supreme Court Justice Robert **YOUNG** recently questioned the legal standing of Attorney General opinions in the absence of a court opinion in the footnotes of ruling.

They leaned on an opinion they requested from one of the area's top campaign lawyers, Michael **HODGE** that said the CSC, as a Constitutionally created body did have the authority to change its rules to allow for the automatic deductions. A request from the Mackinac Center to release the Hodge opinion was not honored, citing the body's attorney-client privilege.

Bowen added if the CSC rule was challenged in court, the body would have stronger standing in court than the *MEA* because of its "constitutional obligation to be in charge of state employee issues."

But as there was no shortage of attorneys in the room — Bowen, LaBrant, Prezekop-Shaw and all four members of the CSC are lawyers — there was not a shortage of opinions. Rather, no one seemed to tire of the questioning and cross-examination, seeing the 1 p.m. CSC meeting dragged on to about 4:30 p.m.

LaBrant's basic message was the CSC needed to wait until the Court of Appeals set precedent in *MEA v. Land* to act.

To that, Waldman asked, "But aren't we playing partisan politics if we don't do something a circuit court allows us to do?"