



MEA Wins Privatization Suit

The Michigan Education Association (MEA) is the big winner in a federal court case today involving privatization at Grand Rapids Public Schools (GRPS).

In *Dean Transportation Inc. v. National Labor Relations Board*, the U.S. Court of Appeals for the District of Columbia Circuit today ruled that an MEA-affiliated union should be allowed to continue to represent bus drivers whose jobs were privatized by GRPS when a contract was still in place.

That means that Dean will have to bargain with the Grand Rapids Educational Support Personnel Association (GRESPA), not a company-affiliated union. Since 2005, Dean Transportation has refused to negotiate with GRESPA.

“This is a victory for employees whose jobs are threatened by outsourcing,” said MEA President Iris **SALTERS**. “The MEA will not abandon members, even when the employer changes.”

But Mackinac Center Senior Legal Analyst Patrick **WRIGHT** said he doesn’t expect this to have a ripple effect on other contracts.

“Michigan school boards and private contractors do not need to fear that privatization efforts will be undermined by a presumption that school unions will automatically continue to be involved in the provision of any privatized services,” Wright said. “This decision does not prevent privatization as either a legal or practical matter.”

The case dates to June 2005, when the Grand Rapids Board of Education fired district transportation workers

and began contracting with Dean while a collective bargaining agreement between GRESPA and the school board was in place, according to the MEA. The contract between the employees and the school district was due to expire in June 2006.

GRESPA sued Dean, alleging intentional interference in the contract. In 2007, the MEA agreed to a \$600,000 legal settlement. The MEA filed charges with the National Labor Relations Board (NLRB) in October 2005, citing Dean Transportation’s failure to recognize the employees’ union. In September 2006, an administrative law judge ruled in favor of the transportation workers. Dean appealed to the NLRB.

Dean Transportation opted to appeal the case to the D.C. Court of Appeals. Today’s decision denied Dean’s appeal and granted the NLRB’s enforcement request.

“We hope that today’s unanimous decision will result in Dean Transportation deciding to comply with federal law and immediately begin bargaining with us,” said Buz **GRAEBER**, an MEA UniServ director who works with GRESPA.

Wright said the Appeals Court left the door open on the issue of strikes.

“The court specifically saved for another day a fundamental workers’ rights question,” he said. “This question involves whether it is fair to assume that employees want to be represented by the union they had in the public sector, where unions are not permitted to strike, after shifting into the private sector, where strikes are permitted.”