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Schuette Drive Home Final Nail For SEIU/MQCCC

Attorney General Bill SCHUETTE's office today declared the State of Michigan has no legal authority to withhold public employee union dues from the payments issued to home help providers through the Michigan Medicaid program, putting an official end to the SEIU's unionization of these employees. SEIU officials pledged to take the issue to court.

The move comes after the Legislature and Gov. Rick SNYDER approved a bill championed by the free-market Mackinac Center as ending the "forced unionization" of home health care workers, but decried by opponents as ending a needed program for the elderly or disabled who want to stay in their homes (See "Snyder Signs MQCCC Bill," 4/10/12).

The controversy surrounding the Michigan Quality Community Care Council (MQCCC) stems from an interdepartmental agreement under which the state of Michigan declared home health care workers who only receive Medicaid or Medicare money for the service they provide as public employees, giving them the power to organize.

The new law is designed to make it clear that the state's Michigan Employment Relations Commission (MERC) can't recognize the SEIU-backed bargaining unit that organized these private-sector workers who received public money, but were not traditional public employees. The law is retroactive.

"Private individuals do not transform into public employees simply by participating in taxpayer-funded programs like Medicaid," Schuette said on the decision released today. "In order to comply with the law, State agencies should end the withholding of public union dues from private individuals who provide home help."

The Attorney General's Office issued the letter on MQCCC in response to questions raised by Rep. Paul OPSOMMER (R-DeWitt) about the new law. The letter

was signed by Schuette's Chief Legal Counsel, Richard BANDSTRA.

"The attorney general's involvement in this issue is welcome relief given that the courts were unwilling to weigh in," Opsommer said. "The ongoing uncertainty has meant that more than thirty million dollars in Medicaid money has been diverted from the disabled citizens it was intended to help. Outside meddlers can't use a magic wand to re-categorize the sons and daughters of Alzheimer's patients into public employees, and these taxpayer dollars need to go towards keeping loved ones out of nursing homes, not lining the pockets of shameful opportunists."

SEIU Healthcare Michigan President Marge ROBINSON-FAVILLE called Schuette's move "brazenly political" and "another attack against seniors and people with disabilities and the people who take care of them."

"SEIU Healthcare Michigan is pursuing legal action to protect seniors, persons with disabilities and home care providers, who help ensure our loved ones can remain healthy and independent in their own homes. Lansing politicians should be applauding the important work performed by home care providers, who perform a difficult job for shockingly low pay. Instead, politicians are treating home care providers like political punching bags, by stripping away their basic workplace rights," she said.

Mackinac Center Legal Foundation Director Patrick WRIGHT applauded the move.

"This episode demonstrates how government-sector unions often act in ways that benefit themselves at the cost of taxpayers and their shanghaied members," Wright said. "The independent contractors and family members who provide aid to the developmentally disabled were never government employees and should not have been paying dues in the first place."