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Mac Center-Initiated Rule Would Require Unions To Publicize Opt-Out Info

The Mackinac Center opened up another front in its quest to get unions to make clear when their members can opt out of membership as permitted by the state's Right to Work (RTW) law.

The Midland-based free market think tank submitted a proposed rule request today to the Michigan Employment Relations Commission (MERC) that would require unions to notify its employees of their ability to opt out three weeks before the start of any kind of resignation window.

The proposed rule mentions all public unions but the issue clearly involves the Michigan Education Association (MEA), which has been criticized by Mackinac for having an 'August window' when MEA members can resign their membership. The Mackinac Center has brought complaints to MERC involving MEA teachers who say they weren't properly informed of the August window, or had difficulty opting out.

The rule would require unions to "acknowledge the ability of members to resign and describe the process to be followed, including the address(es) to which a resignation letter should be sent," according to Mackinac Center press release. It would also require unions to send opt-out info to every bargaining member's work email address or mailed to a home and work address.

Today, the MEA said it already does what the Mackinac Center is proposing to make a rule.

"We already inform our members because it is part of the Continuing Membership Application signed by our members and the MEA Bylaws (Bylaw I)," according to a statement released by the MEA today. "We have also printed the notice in the MEA Voice magazine publication that goes to every member in the December, February and April editions. We have never hidden the existence of the August opt out window."

Patrick WRIGHT, vice president of legal affairs for the Mackinac Center, said the center took this course today because it's "right and fair."

"The law passed in 2012, it gives people the right to refrain -- that language is specifically in the statute -- from member-

ship," Wright said. "Clearly, the MEA matter has highlighted that some people are not getting that information from the sources, so we just want to make sure all unions -- not just the MEA -- but all unions that have one of these resignation windows lets their membership know when they're occurring so people can make informed decisions."

Members of the public can also submit requests for new rules, much as state departments frequently do. But the official process can only begin after an agency submits a request-for-rulemaking proposal to the Office of Regulatory Reinvention, according to state policies.

Ruthanne OKUN, director of the state's Bureau of Employment Relations, acknowledged receiving the Mackinac Center request today and said in a statement that MERC "will take this request under careful consideration and may put the matter up for discussion at an upcoming meeting."

The center also has complaints in front of the MERC involving MEA members who had tried or were trying to opt out of membership of MEA (See "Mackinac Center: Some Teachers Didn't Know When They Could Leave MEA," 10/21/13).

The issue even prompted a special Senate committee to meet on the issue (See: "New Committee To Examine MEA's RTW Compliance," 11/7/13).

At least two of the original teachers involved in the complaint have resolved their issues with the MEA and left the union, Wright said.

Wright said a hearing has already taken place for four remaining Saginaw educators in the case and they're awaiting a decision from the administrative law judge.

When asked what the likelihood is of MERC making a formal request-for-rulemaking proposal from Mackinac's suggestion, Wright said he thought it would "respectfully considered."

"Clearly we're an entity that's been very involved in this question, so our suggestion I think will be taken seriously and we will see what comes out," he said. "I can't imagine who could be against informing people of what their rights are."