
Update: Court of Appeals Stays Order of Ingham Circuit Court, Reinstating the Immediate Effect of Public Act 53'S Prohibition Against Union Dues Deduction

By Mark W. McInerney / Apr 10, 2012

As promised in our email to you earlier this week, we provide this update regarding new developments on the union dues issue and Public Act 53.

On April 2, 2012, Judge Clinton Canady, III, of the Ingham County Circuit Court issued a preliminary injunction enjoining the immediate effect of Public Act 53, which prohibits school districts from deducting union dues. Judge Canady's order was issued in a case brought by Democrats in the State House of Representatives who claimed that constitutional requirements for giving a new statute immediate effect had not been met. Judge Canady's order was promptly appealed to the Court of Appeals on an emergency basis.

Late in the day on April 9, 2012, the Court of Appeals issued an order staying Judge Canady's order, the effect of which is to make Public Act 53 effective again pending further court action. The Court of Appeals also granted leave to appeal Judge Canady's order and set the matter for expedited consideration. Based on the briefing schedule set by the Court, a decision on the merits is likely in the August-September time frame.

Until there is a further legal development overruling or modifying the Court of Appeals' stay of the lower court's preliminary injunction, the law reverts to what it was before Judge Canady's decision. Thus, public school districts that have been making union dues deductions pursuant to a current collective bargaining agreement should continue to do so. Those districts that discontinued union dues deductions should continue not to make union dues deductions.

We will continue to keep you updated on this fast-changing issue. If you have any questions, please contact your Clark Hill school law attorney.