



SEIU Local 517M E-Former

November 2013 Edition

*Lead, Unite, Fight – Win For the 99%!*

**In this Issue:**

- State Employee Bargaining Update
  - Taylor Coat Drive a Success
  - A Message from the President
  - Legal Update
  - BlueGreen Alliance Report
- 

**State Employee Bargaining Update**



By Amy Lipset, President  
Scientific and Engineering Unit

We filed our paperwork for impasse on Monday, October 28<sup>th</sup> and we are working with our lawyers to finish our briefs that are due November 1<sup>st</sup>. We are miles apart on healthcare and wages with the Employer. Back in 2011, Governor Snyder said that he wanted to make major changes to the benefits package so they don't have to keep coming back for more. As you remember we made huge changes by increasing our premium share significantly. Now they seem absolutely determined to change the healthcare plan even more. While we've seen some forward movement on wages from them, it certainly doesn't reflect the statements the Governor has made in his many emails to us.

While base wage increases and health care are our main issues at impasse we also have taken several unit specific items across all three units to Impasse. We have presented copious amounts of data that is now in the hands of our lawyers and will be part of the brief we file and will be presented to the impasse panel at the hearings.

The hearings are scheduled for November 13<sup>th</sup> and 15<sup>th</sup> at the Capital Commons Building in Lansing. We will continue to meet as a coalition and also with the Employer to try and come to a full voluntary agreement before the impasse process ends.

**Taylor Coat Drive a Success**



On Saturday, October 26, 2013, SEIU Taylor School employees held the 3rd annual Sax Pharmacy/26M coat drive in Taylor. The day was cold, windy and rainy however we had a good turnout and with the monetary donations we are hopefully going to reach our goal which is to provide more coats than last year to our needy families.

Sax Manager **Deb Church** dressed the part in her puppy costume and presented us with a \$500 check from the co-owners of Sax Pharmacy also helping with the drive were **Matt** and **Debbie Mead**, both are 26M retirees.

Unit President **Kathie Fields**, Vice President **Jeff Michalik**, Division A,B & D Vice president **Mike Usher** (our bus driver) and Division C & I Vice President **Veronica Phillips** were working the drive.

Taylor School District Board of Education Member **Ron Miller** dropped by with his donation as did the President of Taylor Principal Association with a check to aid in our goal.

Our Taylor School District Robotics team along with their instructor Mr. **Joe Horth**, again this year were our workers and entertainment.



We want to THANK all of you that worked so hard in helping to "KEEP TAYLOR STUDENTS WARM".

## A Message from the President



"It's a great life if you don't weaken." That's a saying my lieutenant likes to quote frequently. Like most clichés there is a grain of salty truth tucked in there. For SEIU 517M October has been a ferociously paced month. State of Michigan contract negotiations headed by the three Divisional Vice Presidents: **Amy Davis-Comstock**; **George Heath**; and, **Amy Lipset** and their respective bargaining teams have waged the battle well on your behalf. They did not weaken despite some valiant attempts by the State to drive wedges between us internally and between 517M and our coalition partners.

There were other positives like the work **Dan Renner/Betty Nash** have done for their members working for Beacon Harbor. Other victories are detailed in these pages also. What have they done?

They've all taken steps forward as a team to pursue that "great life" for their fellow members. Yes – I know ..."I'm not seeing a great life." But if we all can stay the course, remain united together in solidarity, victories will come to you also.

I ask you to say thank you to your union staff members. Thank your fellow steward leaders and member organizers. Thank you to your unit presidents and board members. And thank you to that individual working right alongside of you. Together we make a difference. In being thankful for others and their labor we gain a better focus for ourselves. So, appreciate your fellow members and give them a word of thanks for staying strong with us – today and into the future.

Best of holiday blessings.

In solidarity,

William Ruhf, President  
SEIU Local 517M

## Legal Update



By Howard F. Gordon, Esq.

Scientific and Engineering Unit Coordinator

### **Beacon Harbor Lawsuit**

*Beacon Harbor Wage Lawsuit Victory!*

On September 30, 2013, SEIU Local 517M filed a lawsuit in Saginaw County Circuit Court against the Employer, Beacon Harbor Adult Foster Care Homes for breach of contract.

Specifically, 517M claimed that Beacon Harbor had failed to give its employee/SEIU members wage increases guaranteed by its contract with the Saginaw County Community Mental Health Authority (SCCMHA) as a wage pass through obligation.

After the lawsuit was filed, 517M entered into discussions with the Employer and ultimately settled the case on October 21, 2013 for a \$.05/hour base wage rate increase for all currently active employees. This is in addition to the recently negotiated 3% base wage rate increase in the Collective Bargaining Agreement. Additionally, those now ex-employees, who can be located, who were employed by Beacon Harbor when the failure to pay claim arose will receive a \$100 lump sum payment in recognition of their wage loss.

On signed agreement of the above wage increase, 517M agreed to withdraw its lawsuit.

### **PA 264 – 4% Pension Case**

On August 13, 2013, the Michigan Court of Appeals affirmed Judge **Joyce Dragonchuk**'s ruling that the 4% contribution requirement and the change in the overtime calculation as they relate to the defined benefit retirement plan were unconstitutional violations of Article 11, Section 5 of the Michigan Constitution.

The State has filed an application for appeal of the Court of Appeals decision to the Michigan Supreme Court. On October 22, 2013, the Michigan Coalition of State Employee Unions responded with its brief outlining in great detail why the State's application for appeal should be denied.

Very significantly, the Civil Service Commission has filed a comprehensive brief with the Supreme Court in support of the Coalition of State Employee Union's position that the Supreme Court should deny the State's application for appeal. Most interestingly, the Commission's argument includes a lengthy argument attacking the Court of Appeals decision upholding the PA 349; Right to Work legislation that Attorney General Schuette is now relying on in the 4% case... a strategy that could backfire big on the State over RTW.

### **PA 349 – Right to Work**

On August 15, 2013, in a 2-1 majority decision the Michigan Court of Appeals, hearing the Union's challenge to PA 349 as the Court of exclusive original jurisdiction, ruled the State Legislature's Right to Work (RTW) statute constitutional.

On September 11, 2013, the Unions (SEIU Local 517M, MCO, AFSCME, MSEA, and UAW) filed its application and argument for appeal to the Michigan Supreme Court. The State has responded arguing that the Union's application for appeal should be denied and that the Court of Appeals decision should stand.

On October 28, 2013, the Unions submitted its reply brief of argument in response to the State's argument for denial of the Union's application for appeal.

Again, very significantly, the Civil Service Commission has filed an amicus curie brief in support of our position that the PA 349: Right to Work legislation cannot be imposed by the legislature

on the state employee structure... Article 11 of the Michigan Constitution clearly and unambiguously establishes the MCSC with sole authority over state employees, not the legislature... "What don't you get Rick, Bill, Randy and Jase"?

**Public School Employees 3% Health Care Funding Act: MCL 38.2731 et seq.**  
*3% Rule Unconstitutional for School Employees*

The Michigan Court of Appeals has ruled that the 3% employee contribution to public school employee health care funding violates the United States Federal Constitution and the Michigan Constitution and is therefore, **unconstitutional**. Specifically, the Court ruled in a 2-1 majority decision that the state Legislature violates our members' constitutional protection against the taking of private property by the government without compensation or adequate and fair due process of the law and the constitutional protection against impairment contracts by the State.

The Attorney General has filed an application for the appeal with the Michigan Supreme Court which is currently pending or under consideration. This information is current as of October 31, 2013.

## **BlueGreen Alliance Report**

To compete in a 21st century global economy, Michigan must build the industries that are driving the economy now and in the future. While the U.S. made significant down payments expanding renewable energy and energy efficiency investments, much more is needed to create good, American jobs, and to attain long-lasting global leadership.

President Obama's climate action plan makes important progress on these investments. It's up to us to help move it forward. Making this transformation to cleaner sources of energy will ensure that we maintain our global leadership in clean energy innovation; create much-needed jobs in construction, manufacturing, maintenance, research and other industries; develop a clean, safe and secure energy supply right here in the U.S.; and protect the health of our communities and environment.

**Join us in for a roundtable discussion** on how we build on the success of energy efficiency and renewable energy projects in Michigan, why these projects are important for the environment and the economy now and into the future, and how these policies are helping to prevent the effects of climate change. They will be held on November 6, 2013 in Grand Rapids and November 7<sup>th</sup> in Troy. Information about the events is below:

Grand Rapids: 6:30 p.m. | November 6, 2013

Kent/Ionia Labor Council, 918 Benjamin Ave NE, Grand Rapids, MI

Speakers to include: **Tom Bowes**, Education and Outreach Director, Electrical Training Center; **Mike Schulte**, Staff Representative, Communications Workers of America; **Jim Shaw**, Business Representative, SMART Local 7; **Mark Mangione**, United Association Local 174, Business Manager; **Tiffany Hartung**, Chapter Conservation Program Manager, Sierra Club; **Sean Egan**, Business Manager/Financial Secretary, IBEW Local 275.

Troy: 6:30 p.m. | November 7, 2013

UAW Local 771, 1640 Stephenson Hwy, Troy, MI 48083

Speakers to include: **Michael Bolton**, Director, United Steel Workers District 2; **David Hecker**, President, American Federation of Teachers Michigan; **Tom Bowes**, Education and Outreach Director, Electrical Training Center; **Mike Schulte**, Staff Representative, Communications Workers of America; **Jim Shaw**, Business Representative, SMART Local 7; **Frank Szollosi**,

Regional Outreach Coordinator, National Wildlife Federation; **Anne Woiwode**, Michigan Chapter Director, Sierra Club; **Bob Donaldson**, Business Manager/Financial Secretary Treasurer, SMART Local 292.

If you would like to attend one of these events, please RSVP to **Sue Browne** at (269) 838-5956 or email her at: [sbrowne@usw.org](mailto:sbrowne@usw.org) to get registered. To learn more about the BlueGreen Alliance, view their website at: [www.bluegreenalliance.org](http://www.bluegreenalliance.org).



[Join Us on Facebook](#)



[Follow SEIU517M on Twitter](#)