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News Release from the
Michigan State Employee Retirees Association

Wednesday October 19, 2011

Ingham Court Rules Against AG Bill Schuette on State Employee Domestic Partner Benefits

Michigan SERA Opposes Legislative Action to End Public Employer Domestic Partner Benefits

On October 6, Ingham County Circuit Court Judge Paula Manderfield rejected the AG's challenge of the Michigan Civil Service Commission's decision to provide domestic partner benefits for state employees. The AG challenged the benefit on two grounds: (1) that the policy exceeds the scope of the CSC's legislative authority under Art. 11 Sec. 5 of the Michigan Constitution, and (2) that the policy violates the Equal Protection Clause of the Michigan Constitution.

The court denied both counts. On the first count the court said that the provision of health insurance benefits clearly constitutes "compensation" for purposes of Art. 11 Sec. 5. and fell within the scope of the MCSC's sphere of authority granted it by the Michigan Constitution

On the second count, the court used a rational basis analysis to find that the MCSC articulated two bases for approval of the policy. First, the MCSC has a strong interest in attracting and retaining a quality work force by offering competitive compensation and benefits. Additionally, the policy "... not only honored the collective bargaining agreements but further took positive steps toward maintaining labor peace and stability."

The court granted summary disposition to the MCSC pursuant to MCR 2.116(C)(10) as to both Count I and Count II of the Complaint and denied the Attorney General's Motion for Summary Disposition.

Because the AG usually defends state agencies instead of suing them, the CSC had to hire its own legal counsel to defend itself. Michael Hodge and Scott Eldridge of Miller, Canfield, Paddock, and Stone represented the MCSC.

In a related effort to stop domestic partner benefits, the Michigan House has passed HB 4770 and 4771, which would prohibit all public employers, including state government, from offering the benefits. Such a bill, if passed and signed into law, is unenforceable as applied to state classified employees for the reasons set forth in Judge Manderfield's decision. The Senate Committee on Reforms, Restructuring, and Reinventing had a hearing on the bills this morning and reported both bills favorably.

The State Employee Retirees Association opposes the legislature's attempt to intrude into the powers of the MCSC and interfere with state employee collective bargaining agreements. We urge the Senate to reject HB 4770 and 4771.

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