

Michigan Court Of Appeals Dismisses Home Care Workers Lawsuit Against SEIU As Moot After SEIU Voluntarily Pays Back Union Dues

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Although the law on unionization of Michigan home health care workers changed more than two years ago, the repercussions of SEIU's representation of these workers continue. Earlier this month, the Michigan Court of Appeals [dismissed](#) a lawsuit that had been filed by home-based caregivers seeking return of the union dues paid to SEIU. The Court of Appeals found that the lawsuit was moot, because SEIU had voluntarily paid back the dues amounts to the two caregivers who sued. This tactic of voluntarily paying back the disputed amounts essentially allowed SEIU to side-step a court ruling on whether their collection of such dues was illegal and avoid potential liability for the return of dues to all home health care workers, which [has been estimated](#) to have totaled \$34 million in the seven years SEIU represented such workers in Michigan. [As we previously reported](#), a change to the law on public employee unions in 2012 under the Governor Snyder administration outlawed SEIU's representation of home-based caregivers paid by Medicaid or Medicare, many of whom were simply caregivers for a friend or relative and not employed in any professional capacity. This change in the law cut off SEIU's receipt of dues from the more than 59,000 home-based caregivers in Michigan, which had been automatically deducted from their Medicaid/Medicare checks. It is unclear whether additional caregivers will also sue for return of their dues following the Court of Appeals decision this month, but it appears that a class action is not procedurally possible, so SEIU may be successful in avoiding a larger payout. Despite the change in the law in Michigan, SEIU continues to pursue similar arrangements in other states, including in Minnesota, where [SEIU won an election](#) of home care workers in August, resulting in the representation of more than 27,000 personal care attendants in the state who receive payment from Medicare/Medicaid. Only about 5,800 of those workers actually voted in the election, with about 60 percent of those voters voting in favor of SEIU's representation, but that was enough to elect SEIU as the bargaining representative. However, SEIU's ability to collect dues from these workers has been somewhat restricted by the [U.S. Supreme Court's decision](#) in June in [Harris v. Quinn](#) which found that forcing public employee home-care assistants in Illinois who refused to join the union (also SEIU) to pay partial dues as an agency fee violated the First Amendment. It remains to be seen whether SEIU efforts to organize these non-traditional workers will pay off, or if more states will adopt Michigan's prohibition on such arrangements.

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