

Fight Over Unionization Of Michigan Home Health Care Workers Continues In Federal Court And At The Ballot Box In November

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Michigan has seen many changes in its laws regarding public employee unions since Republican Governor Rick Snyder took office in 2011. As we [previously noted](#), some of the controversial public labor legislation passed by Michigan's Republican-controlled legislature in the last year includes a [requirement](#) that public union employees pay at least 20% of their health care costs, a [ban on graduate student organizing](#), and a [bar against payroll deductions](#) for public school employee union dues – all bills that were signed by Snyder.

One on-going fight has been over the representation rights of home health care workers. Many of these workers are self-employed but their wages come from government funds through programs like Medicare/Medicaid. These payments are regulated by the Michigan Department of Community Health in conjunction with the federal Department of Human Services. Until last year, the Department of Community Health also funded an entity called the [Michigan Quality Community Care Council](#), which maintained a registry of home health care providers and provided training and other services. In 2006, an organizing effort by SEIU resulted in a public employee union of these

home health care workers, with the Michigan Quality Community Care Council identified as their employer. SEIU collects dues from the members of the home health care union via payroll deduction from their government-provided wages.

Last year, in an effort to disband the union and curb what many saw as “forced unionization” of independent contractor home health care workers, the Michigan Legislature defunded the Michigan Quality Community Care Council. When that didn’t work to stop the deduction of union dues from home health care workers’ paychecks, the Legislature passed a law excluding home health care workers and similar employees from the definition of “public employee,” effectively outlawing the established SEIU home health care union. The law was challenged in court and a federal court judge issued a preliminary injunction in June allowing the union dues deductions to continue until the current contract expires in February 2013.

This week, Michigan Attorney General Bill Schuette stated that he plans to appeal the ruling to the Sixth Circuit. Meanwhile, union supporters have been campaigning to get a proposal on the November ballot to amend the Michigan constitution to create a “Michigan Quality Home Care Council,” which would take the place of the Michigan Quality Community Care Council that was defunded. The ballot proposal also reinstates the collective bargaining rights of home health care workers, providing that they shall have the same rights as public employees. Supporters have turned in 550,000 signatures in support of the effort to get the proposal on the ballot in November. Signatures will have to be verified by the Michigan Board of State Canvassers, but it appears that there will be enough to put the measure on the November ballot.

This issue is only one of many labor-related issues we expect to be relevant come November. Check back throughout the fall as we examine some of these issues in more detail.