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The Detroit News
ATTN: Letters to the Editor
615 West Lafayette Boulevard
Detroit, Michigan 48226-3124

Ref: Editorial of March 01, 2010: "Binding Act"

The Michigan Senate recently passed a bill amending Act 312, which is the public safety statute for binding arbitration. But during that process, the Michigan Municipal League refused to lend any support to the efforts of responsible public managers and unions.

I am one of the attorneys who participated in the drafting of recent amendments to the State's public employee bargaining statutes. I now write to correct the misleading and erroneous information given to The News by the MML.

First, your readers should know that Section-9 of Act 312 has always required that arbitrators address both the local government's ability to pay; and, the changing economic conditions during the arbitration process. They are contained in Section-9 of the Act, which has not been amended since 1969.

Second, the recent amendments to Act 312 did not include new language that permits local governments to merge. Instead, two other statutes that became law in 1967 were updated in order to facilitate quicker consolidations and mergers between governmental units.

Third, if those mergers and consolidations occur, there is no provision that requires the newly-formed authority to pay "the most-generous wages among the participating communities." To the contrary: all merged employees remain under the original pay and benefit structures from whence they came. Once the newly-merged employees pick a bargaining representative through a democratic election, a new contract with the authority must be bargained from the ground up.

I suggest that your readers seriously examine why the MML – which claims to act on their behalf – would broadcast assertions that are patently erroneous. I invite your readers to view Senate Bills 1072, 1085, and 1086 at the Legislature's website, www.mileg.org. Section-9 of Act 312 can be found at Section 423.239 of the statutes.

The next time the MML attempts to spoon-feed the media, I suggest that The News remember Ronald Reagan's warning: "Trust, and verify."

Sincerely,

s/Mark A. Porter

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