

**SOUTH LYON COMMUNITY SCHOOLS
BOARD OF EDUCATION RESOLUTION**

A regular meeting of the Board of Education (the "Board") of the South Lyon Community Schools (the "District") was held in the Administration Building, 345 South Warren Street, South Lyon, Michigan, in the District, on the 7th day of October 2013 at 7:15 o'clock in the evening.

The meeting was called to order by Justin Gusick, President

Present:

Absent:

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. Public Act 53 of 2012 (effective March 16, 2012) amended the Public Employment Relations Act ("PERA") to prohibit a public school employer from using public school resources to assist a labor organization in collecting union dues or service fees from the wages of public school employees. See MCL 423.210(1)(b).
2. As applied to the South Lyon Education Association, Public Act 53 was not effective until its collective bargaining agreement expired on August 31, 2012.
3. During the 2012 collective bargaining process, the South Lyon Education Association was on notice that the District would have to comply with the requirements of Public Act 53 upon the expiration of the collective bargaining agreement.
4. On June 11, 2012, a federal district court issued a preliminary injunction which enjoined only the enforcement of PA 53. See *Bailey v Callaghan*, Case No. 12-cv-11504 (ED Mich, 2012).
5. In light of that injunction, the District continued to deduct the union dues and service fees of the South Lyon Education Association while awaiting further court action.
6. On May 9, 2013, the Sixth Circuit Court of Appeals reversed the lower court's ruling and on July 10, 2013, the federal court entered an order dissolving the preliminary injunction. That litigation was dismissed by stipulation of the parties on August 22, 2013.
7. Based on the developments of the federal court litigation, the District advised the South Lyon Education Association on July 25, 2013 that it would comply with the requirements of the Public Act 53 of 2012 and would no longer continue to deduct union dues or service fees from the paychecks of bargaining unit employees.
8. On August 7, 2013, the South Lyon Education Association filed a grievance and asserted that the District's decision to stop deducting union dues and service fees violated the parties' collective bargaining agreement.
9. In a Step 2 Response dated August 29, 2013, the District denied the grievance and cautioned the Association that the District might pursue an unfair labor practice charge should the Association take the grievance to arbitration since the subject of the grievance is illegal under PERA Section 10(1)(b).

10. In a September 3, 2013 letter sent to Michigan school officials, the Chief Legal Counsel for the Michigan Attorney General addressed the dues deduction issue, and in part, stated:

... we have received inquiries as to the law's application to collecting bargaining agreements authorizing payroll deductions entered after June 11, 2012 – the date a U.S. District Court enjoined this provision, and July 10, 2013 – the date the same court dissolved the injunction. This Office maintains that any provision authorizing use of public school resources to assist a labor organization in collective dues and service fees in collective bargaining agreements entered after PA 53's effective date, March 16, 2012, is null and void.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The District will comply with Public Act 53 of 2012 as codified in PERA Section 10(1)(b).
2. The District's legal counsel is authorized to take appropriate action to file and process:
 - a. An unfair labor practice charge against the South Lyon Education Association for demanding to arbitrate a grievance that is an illegal subject under PERA Section 10(1)(b); and
 - b. A petition for a declaratory ruling from the Michigan Employment Relations Commission about PERA Section 10(1)(b).
3. The Superintendent and his designee are delegated all necessary authority to implement this resolution.
4. All resolutions and parts of resolutions that conflict with the provisions of this resolution are rescinded.

Ayes:

Nays:

Motion Passed:

David F. Taulbee, Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of South Lyon Community Schools, certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board at a regular meeting held on October 7, 2013, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, PA 1976), as amended.

David F. Taulbee, Secretary, Board of Education