



Parents Forced to Pay Union Dues, Lawmaker Rakes In Health Care Money

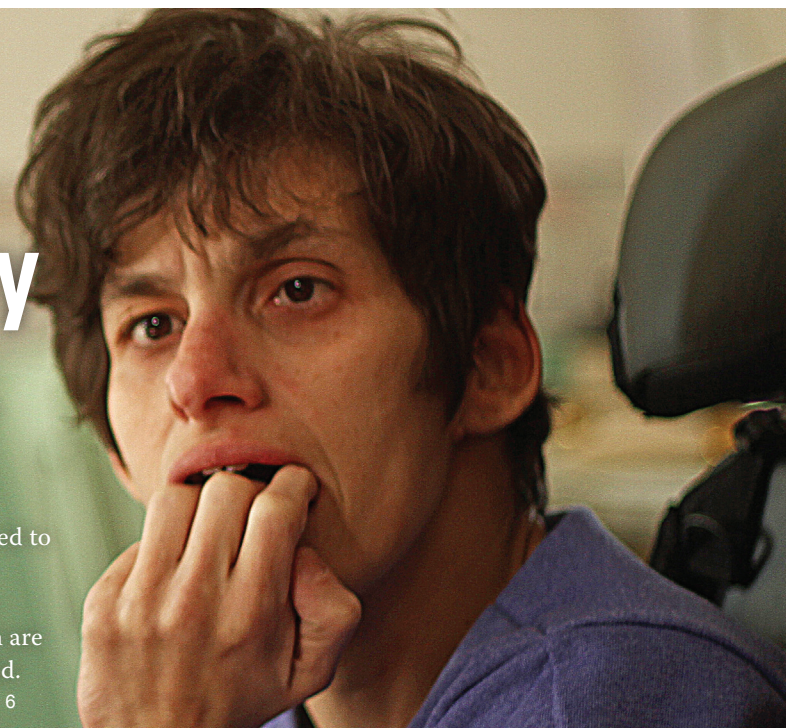
BY JACK SPENCER

Michigan's "forced unionization" is not only taking money away from home health care workers, it's taking dollars out of the pockets of parents of the afflicted as well.

Meanwhile, campaign records show that the lawmakers who seem to be helping keep the "forced unionization" alive got money from the union that benefits from the situation. The records also show his campaign received thousands of dollars from within the health care industry, including from sources believed to be supporters of the forced unionization.

Robert Haynes and his wife, Patricia, take care of their cerebral palsy-stricken son and daughter in their Macomb Township home. Taxpayers help out with monthly checks to the Haynes family. The checks, which are sent by the state, allow them to keep their son and daughter at home instead of having them institutionalized.

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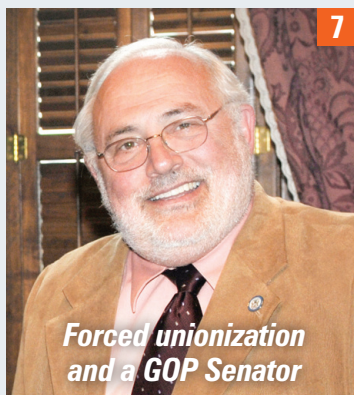


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VICTIMS OF SMOKING BAN CUT OFF POLITICIANS

BY JACK SPENCER

Small bar owners angered over losing their butts to the statewide indoor smoking ban plan to give lawmakers the boot.

A newly formed group, Protect Private Property Rights in Michigan (PPPRM), has organized an effort to ban lawmakers from their establishments in protest against Michigan's smoking ban. This lawmaker ban was scheduled to start Sept. 1. PPPRM, which claims to have a membership of about 500 businesses, argues that the smoking ban has been disastrous for Michigan's small bar owners and their employees.

"We're not smoking advocates or advocates for tobacco use," PPPRM Executive Director Stephen Mace said. "We're just

people who believe in private property rights and are trying to speak out against this law that's hurting us and our employees. It has already put some of us out of business."

According to Mace, participating bars are being provided with photos of local lawmakers so they can identify them if they enter their establishments. However, the governor, lieutenant governor, House speaker and Senate majority leader will be exempt from the ban.

"We'll let the top officials in to symbolize how the ban hurts the little guys but not big guys," Mace explained. "That would be consistent with smoking ban. We're trying to keep a sense of

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COMMENTARY

Ann Arbor Cuts Cops With \$1.5 Million Surplus Sitting in Arts Budget

BY TOM GANTERT

While the City of Ann Arbor has laid off police officers and eliminated positions from the fire department this year, it is sitting on \$1.5 million that it has set aside for public art.

The city has raised \$2.7 million for public art since 2009, but has only spent \$1.1 million on two art projects, according to a city official and public documents received in a Freedom of Information Act request.

The city set up its "public arts" fund in 2007, with the City Council agreeing to take

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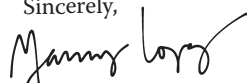
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GOVERNMENT AS SANTA



BY JOSEPH G.
LEHMAN

Editor's note: A version of this commentary appears in the Winter 2011

issue of Impact, the Mackinac Center's quarterly newsletter.

Why is it that most people eventually abandon the idea of Santa Claus ... and yet so many never abandon belief in an omnipotent government?

Santa Claus is magic. His toy sack never empties, he traverses the globe faster than lightning, his reindeer never tire, his elves never strike, and he's never too fat for the chimney. Awed by his powers, young kids approach the Jolly One clutching wish lists that itemize the objects of their "unbridled avarice," as a popular Christmas movie put it.

And why not? Santa's little supplicants are prodded by plenty of parental encouragement. No toy is beyond the ability of Santa's elves to build. Nothing Santa gives to one child takes away from what he can give to any other child. Plus, Santa knows who's been naughty or nice, so the great toy distribution is bound to be fair in some cosmically satisfying way, with everyone getting what they deserve and probably a little bit more. Who wouldn't want to live in such a world?

Too many adults treat government the way kids treat Santa. But government is not magic. Most adults expect government to provide at least the basics of society like courts, police, defense, roads, mail and schools. Yet these so often seem beyond the reach of government that we may seriously question whether some of them, like

schools, should be entrusted to government at all.

Many adults want government to cover everything under Santa's flying sleigh. Their wish lists say, "subsidize my retirement, my big house, a year's worth of unemployment, my medicine, my college loans, my electric car, my auto company, my union, my bank, my bad decisions in general, and my ethanol and solar companies." But unlike Santa's bottomless bag of toys, every subsidy government gives to someone must first be taken from someone else. For every happy kid there is another whose toy was ripped from his hands.

[Adult's] wish lists say, "subsidize my retirement, my big house, a year's worth of unemployment, my medicine, my college loans, my electric car, my auto company, my union, my bank, my bad decisions in general, and my ethanol and solar companies."

Adults then may expect that only the deserving ones get the goodies, but the dilemma of fairness inherent in forced redistribution needs no elaboration here. Let's just say it takes a lot of magic government fairy dust to make it all fair.

My point is not to ridicule those who want government to provide what they believe they deserve, which would be rude and especially out of season at holiday time. Rather, it is to confront the reality of

an extremely durable myth — government as Santa Claus — and to prevent belief in that fable from destroying our nation.

Children may be sad to realize there's no Santa, but Mom and Dad can usually ameliorate that disappointment. No one will rescue us when our collective "unbridled avarice" runs up a debt so high it can never be repaid. All the little children will be crying then.

Belief in Santa is endearing in children. Belief in magic government is sad, tragic and destructive in adults. One of the greatest gifts we can give this holiday season is to help others confront the myth of magic government. ■

Joseph G. Lehman is president of the Mackinac Center for Public Policy. The original version of this story was posted online on Dec. 20, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/16186.

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Health Care Workers Vote to Bolt from 'Corrupt' SEIU

BY JACK SPENCER

Backyard barbecue bashes and offering up flat screen TVs and other prizes was attempted by the Service Employees International Union (SEIU) to try to get Saginaw health care employees to stay in the union. It didn't work.

By a more than 2-to-1 margin, workers at Saginaw's Luther Manor Nursing Home voted themselves out of the SEIU Healthcare union. They're now joining the newly formed National Union of Healthcare Workers (NUHW).

The final vote count was 47 in favor of leaving SEIU to 22 for staying. One vote was cast for nonunion status. With the results of the election, the Luther Manor workers became the first SEIU members outside of California to join NUHW.

According to Peggy Norman, a medical receiver and certified nursing assistant at Luther Manor, the SEIU Healthcare put on two barbecue parties for employees as the date of the election approached.

"They called them backyard bashes," Norman said.

"They barbecued ribs and had door prizes; including a flat screen TV, a boys' bike and a girls' bike."

Norman was asked if she would have changed her vote if she'd won a TV.

"I wouldn't even go to their bashes," she responded.

Hasan Zahdeh, a cardiovascular interventional technologist at the Hackley Campus of Mercy Health Partners in Muskegon, said he was keeping a close watch on the union election in Saginaw.

"They rejected the SEIU despite all of the misinformation, intimidation and efforts to buy votes," Zahdeh said. "In addition to the barbecues, where they

raffled off big screen TVs, the SEIU offered coffee and donuts on election day.

"Basically, this was a big win for the employees," Zahdeh continued. "It was an overwhelming vote to leave a corrupt union."

Workers at the facility in Muskegon are waiting to get an election date scheduled to vote on possibly leaving the SEIU, too. Zahdeh said he believes the election in Saginaw could lead to a domino effect with workers at other health care facilities across Michigan jumping the SEIU ship.

"Other groups are just waiting for their contracts to come up," he said.

Norman said the employees at the Saginaw facility were fed up with SEIU Healthcare.

"We were looking for somebody who would do a better job representing us," Norman said. "I was a stewardess for the union. They wouldn't even honor our vote to reject a contract. Instead of going back to the employer, they waited a week and came back to us. I had employees come up to me wanting to know how they could get out of it (the union)."

Zahdeh said the SEIU is now attempting to hike its union dues.

"SEIU is trying to do the same thing Barack Obama wants to do," Zahdeh said. "They know that the MQC3 (Michigan Quality Community Care Council) is being dissolved. That means they'd lose about 48,000 members. So they're trying to change dues to a flat 2.5 percent. That's huge. For instance, it would change my dues from \$39.45 a month to \$130 a month. It's like Obama wanting to raise taxes on the rich instead of finding ways to cut spending."

MQC3 was created under former Gov. Jennifer Granholm. Through a secret election, fewer

than 7,000 votes placed more than 40,000 Michigan home health care workers into the SEIU. Then SEIU Healthcare was created, apparently, for the sole purpose of becoming the union Michigan home health care workers would be forced to join through the MQC3.

Obviously the loss of 40,000 dues-paying members is a huge blow to SEIU Healthcare, which had previously claimed to have roughly 55,000 members in Michigan.

"I think they're trying to find a way to squeeze every last dollar out of us before we leave," Zahdeh said. "When we finally get a chance to vote in Muskegon, we're really going to kick their butts."

SEIU Healthcare has been plagued by scandals since it was created in 2008. Its first president, Rickman Jackson, was forced to resign within two months of taking office.

As Capitol Confidential previously reported, the timing couldn't be much worse for SEIU, which just lost a major battle with NUHW. In July, NLRB administrative judge Lana Parke found SEIU guilty of coercion and unlawful threats in an October 2010 statewide labor election involving 43,000 California healthcare workers.

According to the NUHW, corruption has been the legacy of how the SEIU operates in Michigan. Former SEIU Healthcare Michigan President Rickman Jackson was forced out of office on Oct. 15, 2008. The story, which was covered by the Los Angeles Times, apparently fell below the news media radar screens in Michigan.

SEIU officials did not respond to telephone calls offering the opportunity to include their comments in this article. ■

The original version of this story was posted online on Sept. 30, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15805.

Subsidized Green Energy Company Struggles, Lays Off Workers — Rewards Top Executives

Analyst: 'It looks like they are trying to pad their top people's wallets in case something really bad happens'

BY TOM GANTERT

In the nine months since David Prystash was named Chief Financial Officer of A123 Systems — the battery manufacturer that received \$390.1 million in federal and state subsidies — the company has laid off 125 employees and had a net loss of \$172 million through the first three quarters of 2011.

A123 Systems also learned earlier this month that the company that was to be the main purchaser of its batteries — Fisker Automotive — had its federal funding cut off for missing milestones and had to lay off its own employees. A123 Systems had invested \$23 million into Fisker.

Yet, this month A123's Compensation Committee approved a \$30,000 raise for Prystash just days after Fisker Automotive announced the U.S. Energy Department had cut off what was left of its \$528.7 million loan it had previously received.

Prystash wasn't the only executive to see a big raise this month. Robert Johnson, vice president of the energy solutions group, got a 20.7 percent pay increase going from \$331,250 to \$400,000, while Jason Forcier, vice president of the automotive solutions group, saw his pay increase from \$331,250 to \$350,000. Prystash's raise was 8.5 percent, going from \$350,000 to \$380,000.

The raises were reported by the company in its filings with the U.S. Securities and Exchange Commission.

"It looks highly suspicious," said Paul Chesser, associate fellow for the National Legal & Policy Center. "It looks like they are trying to pad their top people's wallets in case something really bad happens."

When A123 Systems announced it was opening its lithium-ion battery manufacturing plant in Livonia in September 2010, then Gov. Jennifer Granholm wrote about it on the Huffington Post calling it "a Recovery Act success story."

But there have been troubles for A123 Systems in the 17 months since then, despite a lot of state and federal aid to prop it up.

The state of Michigan gave it a \$100 million MEGA tax credit that is contingent on the company creating 300 jobs by the end of 2016. A123 Systems also received another \$41 million in tax breaks and

See "Subsidized Green Energy Struggles" Page 6



Former MEA Local Prez: Union May Lose 40% of Members – Including Him – if Teacher Right to Work Passes

BY TOM GANTERT

As a teacher in the Grand Ledge Public Schools and a former teachers union president, John Ellsworth says the various education reforms coming from Michigan's Republican-led government are "despicable." He thinks the much-talked about "right-to-teach" legislation for public school employees, which would make joining a teachers union voluntary, is part of "a continued attack" blaming teachers for school woes.

Yet, even Ellsworth says he would drop his Michigan Education Association membership if right-to-work for teachers became a reality.

"Yes. I think I would," Ellsworth said.

Depending upon what districts would be willing to offer to teachers who declined union representation, Ellsworth estimated that somewhere between 10 percent and 40 percent of teachers would bolt from the MEA.

The reason? He says some don't think they are getting real value from the \$90 per month in union dues he says they pay.

(Note: Recent news reports have stated that the maximum combined annual dues payments to state and national teacher union affiliates is capped at \$778).

Ellsworth pointed out that many teachers are not getting "step increases" when contracts expire because of new legislation, which makes keeping the dues money look like a tempting raise.

Single salary schedules build in

steps for automatic pay raises for teachers based on years of experience and earned graduate degrees or credits.

Ellsworth also noted news reports of MEA officials getting hefty raises during a period when he says many teachers are facing cut backs.

"Why not take the money and run?" Ellsworth said. "... There are a lot of people upset they are sending their money to East Lansing (MEA headquarters) and not getting a whole lot for it."

Ellsworth said he'd be hopeful an independent teachers union would replace the MEA, which he said was "a guardian of status quo" instead of a "champion of improvement."

Steven Malanga, a senior fellow at the Manhattan Institute who has written books on public-sector unions, said the decision to leave a union would be mostly a financial one.

"You have to think about this from the perspective of the worker," Malanga said. "That's a lot of money [the dues payments]. It is

"Why not take the money and run?" Ellsworth said. "... There are a lot of people upset they are sending their money to East Lansing (MEA headquarters) and not getting a whole lot for it."

an economic question. The question is going to be: 'What return do you think you are getting for your union dollars?'"

Malanga also said that many teachers are growing more upset that the National Education Association, the parent union of the MEA, is spending their dues on issues that have little to do with education.

"There is increasing evidence that unions like the NEA are spending (dues) money on non-educational issues and some social issues that teachers disagree with," Malanga said. "The unions have put themselves on the defensive by arrogantly spending their members' money on things they have no business spending it on."

Mike Antonucci is director of the Education Intelligence Agency, which researches teachers unions. He predicts the MEA could lose anywhere from 33 to 50 percent of its members if right-to-work protections for school employees is passed.

Antonucci said his estimate is based on the NEA's "market share" of eligible NEA members in right-to-work states. For example, Antonucci said in South Carolina there are 7,000 NEA members out of roughly 70,000 public education employees. ■

The original version of this story was posted online on Sept. 14, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15725.

Teacher Right-to-Work Looking Like a Done Deal

Support from Senate, House and Governor may align for swift passage

BY JACK SPENCER

Chances look good for passage and enactment of legislation to provide right-to-work status for Michigan public school teachers. Under the measure, called the "Freedom to Teach Act," teachers would no longer be required to join or support a union as a condition of employment.

In September, Senate Majority Leader Randy Richardville, R-Monroe, announced the measure on Michigan public television's "Off the Record," and asserted that he strongly supported it. The legislation was introduced in the Senate in early October.

Lawmakers and political observers are often reluctant to predict the chances of passage for any specific piece of legislation, but in this case the stars seem to be aligning in a very favorable fashion. By all indications, the measure is likely to be passed by the Legislature and signed into law by Gov. Rick Snyder.

A source close to the Snyder administration was asked if the Governor would sign the "Freedom to Teach Act." The answer: Snyder's policy has been that he wouldn't press right-to-work as an agenda item, but he'd sign it if it reached his desk.

But would that position apply to right-to-work just for teachers?

The source replied that he'd be "shocked" if Gov. Snyder didn't sign it.

When Sen. Richardville announced the measure, it wasn't clear whether he was acting on his own or as part of a coordinated GOP effort. The fact that Republicans had worked with Snyder's team on the recently announced school reform bills indicated that some sort of coordination might have been involved.

However, it now appears that Richardville decided on his own to make the announcement.

"I knew he would support it, but I didn't know he was going to announce it on 'Off the Record' that way," said Senate Majority Floor Leader Arlan Meekof, R-West Olive.

Meekof said he has been working on the legislation for a very long time.

"Actually, I started working on this way back when I was a House member," he said. "It's one of the things we've looked at to try to let teachers break out of the mediocrity that we see in our education system."

Would the legislation stand a good chance of being passed by the Senate?

"I think so," Meekof said. "It's an opportunity to let teachers get farther away from union goons. That should give them a better chance to break away from the mediocrity. That should make things better for our schools and our children."

Political observers generally assume that the legislation would pass easily in the Michigan House. However, Ari Adler, spokesman for House Speaker Jase Bolger, R-Marshall, responded cautiously when asked about the legislation's chances in that chamber.

"At this point we don't know specifically what the bill will look like or what will happen with it in the Senate," Adler said. "We don't generally comment on legislation we haven't seen. With that said, however, on

PARENTS

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But some of the taxpayer dollars that are supposed to go to the Haynes family are being siphoned off. The state takes a \$30 monthly deduction from the checks and sends it to the Service Employees International Union (SEIU). This deduction is the result of the forced unionization of home health care workers that came about in a deal between unions and politicians in Lansing.

"We're not even home health care workers. We're just parents taking care of our kids," said Robert Haynes, a retired Detroit police officer. "Our daughter is 34 and our son is 30. They have cerebral palsy. They are basically like 6-month-olds in adult bodies. They need to be fed and they wear diapers. We could sure use that \$30 a month that's being sent to the union."

Capitol Confidential sent emails to the offices of Sen. Roger Kahn, R-Saginaw Twp., Gov. Rick Snyder, Senate Majority Leader Randy Richardville, R-Monroe, and House Appropriations Subcommittee on Community Health Chair Matt Lori, R-Constantine. The emails gave a very brief explanation of the Haynes' situation and asked the governor and the lawmakers if they approved of what is happening.

Of those contacted, only Rep. Lori responded.

"Do I approve of this? No," he wrote in an email. "I had believed that the bill (community health budget bill) passed that defunded it would end it."

In this year's budget, the Legislature ended all funding to the Michigan Quality Community Care Council, which posed as the employer of the home health care workers.

Two separate forced unionizations took place on Gov. Jennifer Granholm's watch. Both involved the creation of dummy

employers and statewide union elections that were kept secret from the news media. It was believed the "forced unionization" would end when Gov. Granholm left office. However, in spite of efforts by the state Legislature to put an end to them, the deductions haven't stopped.

Emails show that Sen. Kahn, chairman of the Michigan Senate Appropriations Committee, worked behind the scenes to keep the forced unionization of home health care workers intact, which, in turn, keeps the deductions flowing. Those emails were obtained by the Mackinac Center for Public Policy through a Freedom of Information Act request.

According to campaign finance reports filed with the Michigan Secretary of State, Sen. Kahn received \$2,500 from the SEIU in 2010. However, a review of the reported contributions to his campaign committee, Friends of Roger Kahn for Senate 2010, shows that he has received thousands of dollars from the health care industry. It should be noted that simply because a contribution came from within the health care industry, that doesn't automatically mean that its source supports the forced unionization of home health care workers. It should also be noted that Sen. Kahn is a physician.

Sen. Kahn's campaign finance reports also show that he received multiple contributions from officials at Detroit Medical Center. The top donor in this group was DMC Senior Vice President David Katz, who contributed \$2,000 to Sen. Kahn in 2010 and \$1,500 in 2009.

Katz was Gov. Granholm's first campaign manager. His wife, Jill Alper, was a chief campaign strategist for Gov. Granholm in 2002 and 2006. In fact, DMC's hierarchy is awash with ties to Gov. Granholm. Its CEO is former Wayne County Prosecutor Mike Duggan. Gov. Granholm served



Rob and Pat Haynes have three children, two of whom suffer from cerebral palsy. The Hayneses were alerted that they became members of the Service Employees International Union when dues started being deducted from the financial support they get from the state.

alongside Duggan as Wayne County corporate council before running for Michigan Attorney General in 1998. DMC's CFO is Jay Rising, Gov. Granholm's former state treasurer.

Last month, the SEIU and DMC staged a rally together on issues pertaining to Medicare and Medicaid.

Meanwhile, Haynes said his family is receiving no benefits whatsoever from allegedly belonging to the SEIU. The only impact it's having on them is the monthly loss of money through the dues deductions.

"Nothing," Haynes said. "We're not getting anything from them. We've tried to contact them, and they don't even bother to respond.

I don't even know what they could do to help. Considering the dues money we're sending them, maybe they should come over and babysit our kids so we could have one night out."

"We take care of our kids at home," Haynes continued. "There aren't any working condition issues. There are no raises to negotiate. There aren't any union issues involved. But the money keeps being taken out of our checks anyway." ■

The original version of this story was posted online on Nov. 9, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/16001.

SUBSIDIZED GREEN ENERGY STRUGGLES

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subsidies from the state. The Department of Energy awarded A123 Systems a \$249.1 million grant.

But the company has not been able to meet its own projections. For instance, on March 28, 2011 in an SEC filing, the company projected total revenue between \$210 million to \$225 million for 2011. Its latest report shows they had just \$118 million of total revenue through the first three quarters of 2011 and reported a net loss of \$172 million.

A123 Systems has handsomely rewarded its executives since 2010, according to SEC filings.

For example, A123 Systems CEO David Vieau made \$375,000 in 2010 and saw that increase to \$450,000 in 2011, a 20-percent increase.

A123 Systems Spokesman Dan Borgasano referred questions for comment to a Feb. 10 article in Crain's Detroit Business where Forcier said A123 Systems has hired back more than 20 employees who were laid off and was looking to hire engineers.

On Feb. 6, Fisker Automotive had its federal loan blocked by the U.S. Energy Department because it hasn't met milestones.

In 2010, A123 Systems entered an agreement to Fisker Automotive to provide lithium-ion batteries for Fisker's Karma plug-in hybrid.

Fisker was to build at a former GM plant in Delaware, but that plant halted work at the plant and laid off 26 workers. ■

The original version of this story was posted online on Feb. 23, 2012. It is available with hyperlinks and more info at www.MichCapCon.com/16500.

GOP Senator Tries to Save SEIU Healthcare ‘Employer’

BY KATHY HOEKSTRA

The fate of the Michigan Quality Community Care Council, an entity ostensibly tasked with keeping a list of the state’s private home health providers, may have seemed sealed in May when state lawmakers axed its funding from the 2012 budget. Yet even without state funding, this unusual government entity continues to exist past its Sept. 30 expiration date — and collect dues for a government-sector union.

“The union dues are still being withheld and are being sent to the MQC3,” according to Angela Minicuci, public information officer for the Michigan Department of Community Health, in an email sent to the Mackinac Center. “The MQC3 still exists and they are working to get funding for the home help registry.”

Minicuci did not elaborate on how a defunded agency continues to operate.

“For the state to operate a dubiously formed government entity that has been defunded by the Legislature seems unprecedented,” said Patrick Wright, director of the Mackinac Center Legal Foundation. “But such shenanigans aren’t entirely surprising given the origination of this agency and the machinations to preserve it for the sake of skimming ‘union dues’ from independent contractors.”

Wright was referring to documents obtained through a Freedom of Information Act request filed by the Mackinac Center that point to behind-the-scenes legislative efforts to keep the council operating by other means. Among the documents, emails indicate that Sen. Roger Kahn, R-Saginaw Twp., was particularly focused on maintaining MQCCC.

The MQCCC was created in 2005 through an interlocal agreement between the Michigan Department of Community

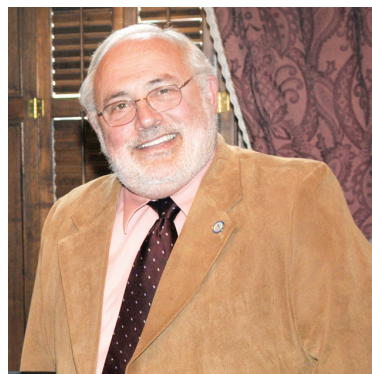
Health and the Tri-County Aging Consortium. The council kept a registry of home care providers, but its main function was to be the so-called government “employer” for some 45,000 private home care aides. Through this arrangement, these independent contractors were compelled to become dues-paying members of SEIU Healthcare Michigan. The union has had a collective bargaining agreement with the MQCCC since 2006, collecting \$6 million in annual dues from Medicaid subsidies paid to the home care providers. The council effectively runs the program for SEIU and passes the union dues from the state to the union.

The Mackinac Center recently learned from the council’s executive director that even though the MQCCC would no longer be funded this year and would soon close its doors, MQCCC officials believed the collective bargaining agreement would remain “in force between us and the union.” A copy of the agreement shows a Nov. 15, 2012, expiration date.

That prompted a Mackinac Center inquiry into what was happening behind the scenes that would keep a defunded government entity operating.

Among documents obtained from the Michigan Department of Community Health were more than three dozen emails from between April 5 and Sept. 13 discussing ways to keep the agency afloat. The biggest champion of creative financing for the council appeared to be Sen. Kahn. According to the documents attained by the Mackinac Center, Sen. Kahn began by proposing an above-the-board supplemental appropriation for the MQCCC. When this was rejected by the House, he suggested hiding the funding by avoiding an explicit designation identifying what it was for or putting the amount into

another budget entirely. When those attempts failed, Sen. Kahn proposed taking five cents per hour from each health care provider to allow the continued existence of the faux employer, which would allow the union to keep collecting millions of dollars in annual dues.



Sen. Roger Kahn
(File photo)

The first indication of Sen. Kahn’s efforts came in a May 19 email from MDCH Deputy Director Nick Lyon to Nancy Vreibel, a staff member in Sen. Kahn’s office, discussing budget cuts to MDCH. Lyon wrote: “I also couldn’t work money back in for MQCCC; (Kahn) had asked about that.”

In July, an email from MDCH Director Olga Dazzo to several members of her staff and members of the Snyder administration revealed that Sen. Kahn and Senate Majority Leader Randy Richardville, R-Monroe, hoped to re-establish a cash flow to the MQCCC.

“Senators Richardville and Kahn believe there is merit in funding MQC3,” Dazzo wrote. “Senator Kahn was hoping to restore these dollars in the budget but apparently did not have support from the House or Senate MDCH budget chairs.”

In the same email, Dazzo asked some pointed questions about the SEIU (Note: parenthetical statements appear in the original.):

“Does the lack of funding mean

the state is no longer supposed to collect union dues for SEIU? (MQC3 basically runs the program for SEIU and passes the union dues from the state to the union).

“Do we want the SEIU to continue operating through their own funding or some alternative source of dollars?”

“Is there a long-term strategy with respect to this issue and is it comparable to the daycare unionization issue in DHS? (which was ended).”

Dazzo also noted that legislation aimed at ending agreements like the one that roped home-based day care providers into a union might affect the MQC3: “There is legislation moving through the process (HB 4003 from Representative Opsommer) that, if passed, may negatively impact the ability to have a program such as this.”

In July, an unidentified party apparently raised the question of having the union fund the MQCCC. In response, Lyon correctly replied in an email, “It would be a conflict of interest to have the union pay.”

Later in the summer, a formal proposal to fund the MQCCC circulated among the participants stating that “Senators Kahn and Richardville have indicated interest in reinstating the program in FY[1] 2012 and have requested Community Health to identify funding to redirect the program.”

The proposed funding options were either through a supplemental appropriations, “to move \$1 million Gross (\$500,000 GF/GP[2], \$500,000 federal) from the Adult Home Help Workers appropriations to a new line item titled Michigan Quality Community Care Council” or “If the desire is to advance a transfer rather than a supplemental, funds can be transferred from the Long-term care line to the Adult Home Help line.”

On Aug. 16, Sen. Kahn hosted a meeting with representatives from the SEIU, MDCH and

MQCCC. Handwritten records of the meeting indicate he started the meeting by laying out the union’s perspective: “SEIU is concerned re: moving forward w/ funding QC3. Gent. Agreement to find \$.”

According to the minutes, Sen. Kahn later indicated he ran into problems with earlier funding proposals: “Polit. Problem w/ House; if suppl. Approp wants to get it done. Reluctant to do w/ supplemental.

Need: 1. Way to get it done w/ out line item

2. maybe it goes through diff budget and who can we do it with?”

The implication seems to be that Sen. Kahn was encountering resistance in the House to a supplemental appropriation to fund the Council. Two apparent suggestions for circumventing that obstacle were to fund the council without a clear designation or place it in an entirely different budget.

Lyon attended the meeting as well. According to the official notes, Lyon said the Senate “gave more support than the House,” making reference to Sens. Kahn and Richardville and Sen. John Moolenaar, R-Midland. Regarding House support, Lyon referred to Rep. John Walsh, R-Livonia, who “stayed caught in politics & Mackinaw Ctr...,” according to the notes. Lyon is also recorded as indicating that Rep. Matt Lori, R-Constantine, “wanted to help but got push back from Bolger,” a reference to House Speaker Jase Bolger, Marshall.

In an e-mail two days after this meeting, Dazzo signed off on restoring MQCCC funding “if the Senate and SBO (State Budget Office) can figure out a way to make it ok with the House.”

An Aug. 30 email circulated among members of the Department of Technology, Management and Budget said that Sen. Kahn “proposed that MQCCC would be willing to contribute 5 cents of their 50 cent per hour wage increase appropriated in FY10, a five cent

SMOKING BAN

from Page One

humor even though things are looking pretty grim. I think you'll see a lot of creative approaches as this goes forward."

Capitol Confidential asked Mace if he considers those negatively affected by the smoking to be victims.

"Absolutely," Mace said. "Actually the term 'smoking ban victims' was coined in Ohio about the ban down there. But at least in Ohio the ban was done through a vote of the people. Here in Michigan they just did it to us."

[P]articipating bars are being provided with photos of local lawmakers so they can identify them if they enter their establishments.

"And understand this: The very first people to become victims of the ban were the employees," Mace continued. "They're the ones who were the first to lose jobs. Then some of the businesses themselves were forced to close their doors. Those on the other side of this issue try to say it's just the overall bad economy. That's just not so."

The idea of small bars denying entry to lawmakers isn't designed to force an end to the smoking ban by withholding beer and liquor from state representatives and senators. It's primarily aimed at calling attention to the plight of the small businesses that have been injured, some destroyed, due to the smoking ban.

"We are the little guys," Mace said. "We're not big enough to pay lobbyists and have parking spaces up by the Capitol. Many of us can't afford to stay in an association. When money starts getting this short, you just can't spend it that way. Businesses like ours used to give donations to local events and for local sports. We can't even

afford to do that anymore."

PPPRM claims that the smoking ban has already cost the state more than \$200 million in lost revenue. That figure could go up. According to Mace, the group has barely started the task of compiling data on the overall impact of the law.

He cited recent testimony by Michigan Lottery Commissioner Scott Bowen on June 8 that the smoking ban has cut into lottery revenues from Club Keno, which is played in bars and restaurants throughout the state.

In the debate that led up to the December 2009 passage of the smoking ban, proponents of the ban claimed it wouldn't hurt businesses. A widely referred-to study at the time (paid for by smoking ban proponents) supposedly showed that the ban wouldn't cause economic damage.

In spite of these claims, as many had expected, after the ban went into effect negative impacts were soon to follow. Regular customers who were smokers stopped showing up, resulting in the loss of profits or the loss of thin plus-side margins that had been keeping the bars from going under. Employee layoffs and actual business closings followed.

"I've learned a lot in recent months," Mace said. "For one thing, I've learned that there is evidence that national anti-smoking groups have less to do with fighting cancer, and more to do with making money."

Mace references a recent paper calling to question the motives of the American Cancer Society. The paper was authored by Samuel S. Epstein M.D., chairman of the Cancer Prevention Coalition and professor emeritus at the Illinois University of Public Health.

In mid-September the Republicans held a policy conference on Mackinac Island. Typically the bars on the "Island" will be busy and bulging with lawmakers. But Mace said he did



not believe the establishments on Mackinac Island would be participating in the lawmaker ban.

"We have some people up there who will be sympathetic to our position," Mace said. "But when you're talking about Mackinac Island, you're talking about the tourist industry. I'd be surprised if any of those bars participated in our ban. They only have about five months out of every year to do business. They really aren't the kinds of businesses that are in our group."

However, Mace said the comparison with Mackinac Island businesses does illustrate one of the points his group is trying to make.

"You just can't say that all bars and restaurants are the same," Mace said. "I think part of what happened in Lansing was the larger quick-in and quick-out restaurants ended up being represented more than businesses like ours. We tend to have more regular customers who typically come in and stay longer and come back the next day."

In Lansing the Michigan Restaurant Association (MRA) and the Michigan Licensed Beverage Association (MLBA) both opposed the ban. However their position was that, whatever the legislature did, it should not try to sort out (or segregate) certain types of bars and restaurants from others. If there was going to be a smoking ban,

it would have to affect all the establishments in the same way.

"We were opposed to any attempt to try to segregate the industry," Lance Binoniemi, MLBA executive director, told Capitol Confidential. "You can't just sit down and say this restaurant or bar should be included, but this other one shouldn't. We were also opposed to excluding the casinos."

At the time, many Lansing insiders believed the Detroit casino issue would prevent the smoking ban from passing. Native American casinos aren't under Michigan jurisdiction, and the state can't ban smoking in those establishments. With Detroit casinos competing with the Native American casinos, it was believed Detroit lawmakers would help block a smoking ban. But the hopes of smoking ban opponents were dashed when smoking ban proponents finally agreed to exempt the Detroit casinos. When that happened, the votes materialized and the legislation passed.

Few, if any, of the bars associated with the PPPRM are members of the MRA. However, it's likely some MLBA member businesses are in the new group. What's more, Mace contends that more than just the "about 500" member bars are going to participate in the lawmaker ban.

Binoniemi said Tuesday that

his group is not supporting the lawmaker ban, although it is sympathetic with the small bar owners.

"Our approach is different," Binoniemi said. "We'd recommend that bar owners educate their representatives and senators about how they're suffering under the ban. They need to tell them about how this is hurting them and their employees."

Other states with smoking bans in place are considering legislation to modify their bans. Nevada has gone the furthest. It ended its ban as it applied to businesses that only sell alcoholic beverages, and has carved out exceptions for other businesses.

In Michigan, a handful of lawmakers have either introduced or talked about introducing legislation to modify Michigan's ban. The most aggressive of these would be a measure to create a smoking-on-premises permit. Rep. Ed McBroom, R-Vulcan, is expected to introduce the legislation soon.

"We're supporting that legislation," Binoniemi said. "It would be similar to a liquor license approach."

Capitol Confidential suggested the McBroom bill might stand a chance of passing in the House, but probably not in the Senate.

"At least it could get the conversations started," Binoniemi said.

Meanwhile, Rep. Doug Geiss, D-Taylor, and Rep. Tim Melton, D-Auburn Hills, have introduced legislation that would modify the smoking ban in Michigan. The Geiss bill is HB 4127 and the Melton Bill is HB 4447.

The Detroit Free Press has quoted Geiss saying the legislature should "revisit" the smoking ban.

Reportedly Geiss said: "Let's try to right this wrong and make it work for all Michigan." ■

The original version of this story was posted online on Aug. 24, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15622.

Despite Deficit, Some Dearborn Top Officials Got Boosts in Pay

BY TOM GANTERT

Dearborn Mayor John B. O'Reilly's message to the city's residents in the 2011 budget was they'd have to pay higher taxes due to severe budget issues. Yet, a look at gross income shows that the top city administrators saw lucrative pay increases while many lower-paid Dearborn employees took pay cuts in 2011.

While Mayor O'Reilly's salary stayed relatively the same — his gross income increased by \$500 in 2011 from the previous year, seven top administrations saw their gross income increase by 8 percent to 12.8 percent from 2010 to 2011.

Those pay increases came when the city's General Fund had a structural budget deficit of \$8.6 million for fiscal year 2011. Not all of the city of Dearborn's workers were as fortunate.

For example, all three assistant librarians made less in 2011 than they did in 2010. Three of the city's four attorneys made less in 2011 than in 2010.

"When they're pushing tax hikes, residents hear a lot from local government officials about 'shared sacrifice,'" said Jack McHugh, the legislative analyst for the Mackinac Center for Public Policy. "These figures give the appearance that the sharing stops at the City Hall door."

Some of the city's key officials saw considerable boosts in pay:

The Director of Economic and Community Develop saw his gross pay increase from \$95,667 in 2010 to \$104,509 in 2011, a 9.2 percent increase.

The Director of Finance saw his gross pay increase from \$107,912 in 2010 to \$116,624 in 2011, an 8 percent increase.

The Director of the Information Systems Department saw his gross pay increase from \$102,491 in 2010 to \$113,994 in 2011, an 11.2 percent increase.

The Director of Public Information saw her gross pay increase from \$85,886 in 2010 to \$96,056 in 2011, an 11.8 percent increase.

The Director of Public Works saw his gross pay increase from \$102,193 in 2010 to \$110,612 in 2011, an 8.2 percent increase.

The Director of Recreation saw his gross pay increase from \$94,312 in 2010 to \$106,395 in 2011, a 12.8 percent increase.

The Executive Assistant to the Mayor made \$117,899 in 2010 and \$131,162 in 2011, a 11.2 percent increase.

Matthew Zalewski, an attorney for the city of Dearborn, said gross earnings included things such as mileage, annual longevity checks (yearly bonuses paid to long-time employees) as well as some employees "selling" vacation days offered in the city's cafeteria benefit plan.

City of Dearborn employees don't pay anything for health insurance until later this year. Two unions have filed a lawsuit to prevent Gov. Rick Snyder's law that required public employers to pay no more than 80 percent of the annual cost of medical benefits from taking effect until their contract with their insurance companies expires at the end of June.

Mary Laundroche, spokeswoman for the city, said the top administrators are appointed positions by the mayor and are not in a union and do not receive overtime. But Laundroche said the annual raises for the appointed positions mirror any increases the union gets. So when those union contracts were settled, retroactive payments were made to the top administrators as well as the union members.

In a June 2011 letter included in the city's budget, Mayor O'Reilly told Dearborn's citizens, "we know

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AVERAGE LANSING TEACHER MISSED 3.5 WEEKS OF SCHOOL LAST YEAR

BY TOM GANTERT

In the Lansing School District, the average teacher was absent from the classroom for 17.6 days — or three and a half weeks — during the 2010-11 school year, according to the district's documents. By comparison, a Lansing School District student under the age of 16 could face legal action by the district if he or she accumulates 10 absences.

The district had a total of 16,932.25 absences by 962 teachers, according to information received in response to a Freedom of Information Act request put in by Michigan Capitol Confidential. The absences include illness, military leave, conferences, maternity leave and other approved time off.

There were 377 teachers (39 percent of the staff) absent at least 17 days. Four teachers missed 100 days or more.

Because the district is in full session from only September through June, this means that teachers were absent about 10 percent of the 170 to 172 full days they were contractually scheduled in 2010-11. The teachers' union contract allows up to 10 days a school year of "compensable leave," and two personal days a year. But the union contract allows unlimited accumulation of unused "compensable leave days" in future years.

If the 16,932.25 absent days from just last year were applied to the career of a single instructor, that teacher would have missed more than 98 years of class time.

Lansing School District administrators and a Michigan Education Association official who represents the union in the school district didn't return emails seeking comment.

Michigan Capitol Confidential

has requested documentation on teachers' absences from several school districts and has reviewed two districts' responses. Grand Rapids teachers were absent on average 14.2 days in 2010-11.

Grand Rapids pays substitute teachers \$85 to \$97 per day. Lansing pays \$75 a day for a substitute teacher for the first 15 days. That rate goes up to \$90 if the substitute works 16 to 50 days and then jumps to \$150 a day if the substitute works longer than 50 days.

Students with that type of attendance record in Lansing would have their parents notified and, if it continued, could face legal action by the district. If students accumulate eight days of absences, they can be referred to an "attendance specialist." If students reach 10 parent-excused absences, they need a signed note from their doctor. If the attendance "problem" is not corrected, the district could take legal action against the student and parent, according to the district code of conduct for students.

The teachers' union contract reads: "Attendance is a very important part of the employee job performance at the Lansing School District. Regular attendance and punctuality are critical elements in our efforts to attain high levels of productivity, student achievement, adequate yearly progress (AYP), continuity of instruction, and reduction of substitute costs."

If teachers have been absent five or fewer days in a specific school and have accumulated 105 or more compensable leave days, they have to sell back five of those days per year for \$75 per day. ■

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ANN ARBOR CUTS COPS

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1 percent of the money that went into capital improvement projects that were \$100,000 or larger and set it aside for art. Most capital projects involve streets, sewers and water.

Aaron Seagraves, the city's public art administrator, said there are several projects planned. For example, the city wants to put \$150,000 of art in its Ann Arbor Justice Center police and courts building.

"Art is in the eye of the beholder, but crime statistics are not," said Michael LaFaive, director of the Mackinac Center's Morey Fiscal Policy Initiative.

LaFaive said the residents would be better served if money for sewers were actually spent on sewer construction and not diverted for public art, and that it would be better to have "people donate money to arts instead of having it extracted from them."

Ann Arbor Mayor John Hieftje didn't return an email seeking comment. But AnnArbor.com reported that the mayor wants to do more with public art.

Ed Jacques, spokesman for the Police Officers Association of Michigan, said he was reluctant to say much on the topic because the city is negotiating a contract with Ann Arbor's police union.

"The most important service that a community or municipality can provide is security and safety for its residents," Jacques said. "That has to be the No. 1 issue."

According to AnnArbor.com, the city eliminated 20 positions in the police and fire departments for the 2011-12 fiscal year. Seven police department employees were laid off. ■

The original version of this story was posted online on Aug. 16, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15564.

Michigan Democrat: Teacher Union Leaders Are 'Disconnected'

Outgoing member of Michigan House to join school reform group

BY JACK SPENCER

Rep. Tim Melton, D-Auburn Hills, ranking Democrat on the state House Education Committee, said this week that the leaders of Michigan's teacher unions aren't on the same page with the members they're supposed to represent.

"I would say union leadership is disconnected from their members," Melton responded when asked to describe the current status of Michigan's teacher unions. "Many of the teachers are in agreement with the reforms the Legislature has been making, such as changes to teacher tenure and so on.

"Often, the union leaders seem more concerned about preservation than they are about the teachers or the students," Melton continued. "The idea of doing the best we can for the students sometimes seems to get lost."

Melton resigned from the Legislature to become national legislative director for Michelle Rhee's StudentsFirst. Rhee, an Ann Arbor native and former chancellor of public schools in Washington, D.C., started StudentsFirst in 2010 as a nonprofit organization that promotes education reforms. It is already on the "political enemies" list of teacher unions at the national level.

As a Democratic lawmaker advocating for education reforms, Melton has been a thorn in the side of Michigan's teacher unions. He was chair of the House Education Committee from 2007 to 2010.

Melton had been prepping to

run for Congress. Now, however, he says he and his family are heading to California, where he'll be based for his new job.

Capitol Confidential interviewed him via telephone. The following are excerpts from that interview.

CC. As a Democratic lawmaker, what was it like to buck the unions?

"It's been difficult. Sometimes it has seemed like the walls were closing in on me. But I believed what I was doing was the right thing. So, although when I was sitting in caucus it often seemed like the walls were closing in, it was nice to be able to sleep well at night.

"Unfortunately the message the Democrats seem to keep sending out on education is that the status quo is alright. But it's not. We need reforms. There may be disagreement on which reforms and how best to do them, but it's clear that the status quo isn't working.

"Our education system is not producing enough high quality students, not only as a state, but as a nation. We need to fix it. We can't afford to go along with the status quo. We need to have reforms. Unfortunately, by going along with the union leaders on education, the Democrats have been presenting a message that they're for the status quo and against needed reforms."

CC. Why do you still consider yourself to be a Democrat?

"I look at it this way: I'm pushing for equal opportunity. I'm looking out for kids and helping them prepare for

their futures. When I support education reforms, the unions claim I'm being anti-teacher or anti-student. To me, it's just the opposite. My votes for education reforms are progressive votes. Those who oppose the reforms aren't being progressive, they're doing just the opposite.

"On most things outside of education I've voted with my caucus. But the Democrats have dropped the ball on education by going along with the unions. We're not living in the 1970s or 1980s anymore. As a Democrat I'm trying to help people who otherwise can't provide for themselves. Overall, it's the Democrats who are on the wrong side of that line when it comes to education issues. We should be the ones who are pushing these reforms instead of standing in the way."

CC. It's been said that a good teacher is always underpaid and a poorly performing teacher is always overpaid. Is there any way to get around this concept?

"Maybe there's a way. I think we've done some adjustments that start to address that; like changing the LIFO (Last In First Out) system (that favored teacher seniority over performance). We're not where we want to be yet when it comes to evaluating teacher performance.

"Studies show that the teacher is the single most important component of education. Finding ways to accurately evaluate their performance is vitally important. It's a key step that we have to take. It's the sort of thing we'll continue working on at 'StudentsFirst.'

We can't continue to treat all teachers as if they were all equally effective. There's too much at stake."

CC. How about a market approach, where if there's a great science teacher in Muskegon students across the state could "sit in" on his classes over the Internet?

"That kind of cutting edge technology is coming and it's coming faster than most people realize. Unfortunately, for whatever the reason, the unions have positioned themselves as being mostly opposed to those changes. But that technology and innovation already exists. The only question is how, and how quickly, can we implement it."

CC. You were preparing to run for Congress. What changed your mind?

"The tea leaves just didn't pan out. I had a road map to victory in the 14th (Congressional District), where I was going to run against U.S. Rep. John Conyers (D-Detroit). I brought in a lot of people who researched the district, checking everything out. The results were that I had a lot of potential there. But then the road map evaporated. U.S. Rep. Hansen Clarke (D-Detroit) was moving into the district. Then there was the possibility of U.S. Rep. Gary Peters (D-Bloomfield Twp.), as well.

"For me to win I would have been banking on doing well in Oakland County and Grosse Pointe. The potential dynamics changed, my road map evaporated. I didn't want to run just for the sake of running.

Clarke hasn't been in Congress long. I think he deserves a chance to go back."

CC. What would you consider to be the top education reform you'd like to see accomplished in Michigan?

"That's a difficult question. I guess I'd have to say that I'd like to see the promise zones (local place-based scholarship programs) expanded. I've seen how they've changed the attitudes of kids in Pontiac and Auburn Hills.

"Along with that, I would like to see us get more into the concept of K-16, or even better, PreK-16. (Thinking of education as preschool through college). I think that's something we really need. All jobs don't require a college degree, but the really great jobs out there will require that degree. We've got to support an approach to education that can really have students ready for the jobs of the future.

"What's frustrating is that we know how to do it. We know we have to start at the preschool level. That has to be an area of huge focus."

CC. Is the idea of K-12 competing for appropriations with higher education a turf war?

"No, I wouldn't say that. I think the use of School Aid Fund dollars (by Gov. Rick Snyder) for colleges was a budgeting gimmick. It was a way of doing the budget that would help pay for the tax break for businesses."

CC. The top 10 states in per-pupil spending don't fare very well in academic achievement rankings. Is there too much emphasis on how much we spend on education and not enough on how it gets spent?

"Yes and no. Having more money will always allow you to do more things, but it makes a big difference how you spend it. What we've seen in Michigan is that, even though we spend a relatively large amount of money on

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Cop Union Boss Boasts of Beating Lawmakers With Flashlights

If Soldiers Don't Have Unions, Why Do Police and Teachers?

BY KEN BRAUN

A formal organization of U.S. Marines circulating an email that implied (even as a joke) the use of violence as a way of accomplishing a political goal against a member of Congress would be dealt with in very severe ways by the officers and politicians in charge of the U.S. armed forces. Civilian authority over this group of government employees is considered nearly absolute in the American tradition. Yet, consider a recent scandal involving John Barnes, the president of the Warren Police Officer's Association, who is in hot water over an email he sent out supporting a recall effort targeting Michigan State Rep. Jeff Farrington, R-Utica. The MIRS Capitol Capsule newsletter, a subscription news service for primarily Lansing insiders, reports that the email said the following:

"We intend to walk into Lansing after the summer break and ask the Republicans who have been so eagerly screwing us, 'who's next?' If we cannot earn their respect we will do what we have always done; hit it with a flashlight until we gain compliance."

When asked about his choice of words, Barnes told MIRS that he was sorry for any offense taken, and that the language was just an example of "cop speak" that was not meant for the general public. He then further qualified his apology:

"I will refrain from using inflammatory language as soon as those attacking me and my fellow police officers refrain from using the same."

The police union boss' frank chatter demonstrates the inherent threat to the health of representative government that ensues when taxpayers grant

collective bargaining rights to government employee unions. At a minimum, this irresponsible so-called "cop speak" from a high-ranking official in the union could be a damning bit of evidence the next time a Warren cop faces a police brutality charge.

But at a deeper level, it raises serious ethical and existential questions about whether taxpayers should allow any public servant to serve more than one master while on the job. Armed with public dollars, deadly weapons, and a monopoly on the legal use of force, should police officers be allowed to collectively recognize loyalty to a leadership other than the rule of law and the community that pays their salaries?

Lifting the question up a notch on the public security ladder, it is a settled question that it would be dangerous to allow the U.S. military to be unionized. So serious and ingrained is the professionalization of the American military that it is almost totally unacceptable for them to collectively participate in any form of domestic political activity. Obviously, as individuals, they retain the right to vote and speak their mind outside the job. But unlike some less fortunate nations, there are not and never have been organized political movements within the U.S. military. Active duty generals do not run for public office with the assistance of the troops under their command; and soldiers do not organize to influence the composition of the Congress that sets their pay, nor the occupant of the White House who can send them into harm's way.

And for good reason: If the people with the biggest government-issued guns ever

get in the habit of influencing who their Commander in Chief should be, then the master/servant relationship between free Americans and their government will begin to slip dramatically, with a military dictatorship at the very end of the slide.

Yet if the very justification for a government union is to improve the working conditions of the public employee, then who could be in greater need of protection than a government employee whose job classification allows for them to be deliberately ordered into actions that are likely to cause death and dismemberment?

"We intend to walk into Lansing after the summer break and ask the Republicans who have been so eagerly screwing us, 'who's next?' If we cannot earn their respect we will do what we have always done; hit it with a flashlight until we gain compliance."

Apologists for police unions will argue that their role is essential because of the uniquely dangerous work that cops do. But this reasoning explodes when applied to what can often be more dangerous military work. Imagine: "Sorry, Mr. President, but the Army can't help out with Omaha Beach. Our union president says that's an OSHA violation ..."

The most potent and professional armed forces on Earth are staffed with a steady stream of qualified volunteers signing up for the job despite not a historical whiff of being able to count on unions or political influence to protect them. And unlike police officers or any other civilian, a soldier isn't usually free to quit the job and work somewhere else the next day.

What of other public employees? Where soldiers are charged with

defending civil society, the role of public education is supposed to be to protect the future of it. If those holding democracy's guns shouldn't be dividing their loyalty between the public good and their union bosses, then what of those holding democracy's school children?

If an email from the police union boss boasting of flashlight beatings against politicians who don't comply with the union's wishes raises questions about the risk of government recognition for cop unions, then consider an email sent back in March from Iris Salters, the union boss in charge of the Michigan Education Association. It asked the vast majority of the state's public school teachers to vote on the following question:

"Do you give MEA the authority to initiate crisis activities up to and including job action?"

Elaborating further, it said:

"Let me be clear on what this vote means. It authorizes MEA to engage in significant activities — up to and including a work stoppage — that will increase the pressure on our legislators."

Teacher strikes are illegal in Michigan. Ms. Salters evaded questions regarding whether she was asking for permission to initiate a "crisis" that included breaking the law, saying it would be up to her membership to decide. What is not in question is that the union boss was willing to have her members engage in "significant activities" that would deliberately impede delivery of the very public service that they are paid to provide.

Unlike the union boss in charge of the state's largest teacher union, a private labor leader involved in a dispute with General Motors cannot shut down Ford or Chrysler. Even a total United Auto Workers walkout would not shut down the non-union auto plants that now account for a large share of the domestic automotive assembly workforce. The discipline of the marketplace means that a private sector union must weigh the consequences of customers taking their dollars and seeking alternative options.

No such restriction operates on a public sector union. Whether it is cops and the use of force or teachers and the education of school kids, the jobs are in government-granted monopolies, backed up with financing that comes from mandatory taxation. The 'customers' — the taxpayers — have no alternatives. When government unions use their monopoly position to threaten politicians, they are collectively taking action against the very public that is forced to pay their wages.

Despite the important work done by our soldiers, sailors, airmen and marines, it is clear why government should never grant collective bargaining power to a labor union or any other political authority structure in the military that could compete for the loyalty of the public servants who defend the nation. Likewise, given the critical nature of their jobs and the large sums of tax dollars expended on them, why shouldn't the same standard apply to teachers and cops? ■

The original version of this story was posted online on July 31, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15485.

PAY RAISE

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the kinds of sacrifices you've made to weather these difficult times in your own households. Like you we're continuing to seek cutbacks including personal sacrifices from the entire City workforce."

Mayor O'Reilly then stated the city was raising the millage rate to the legal limit and would ask to raise that limit by putting it on the November 2011 ballot.

Editor's Note: This story was corrected to say that Dearborn Mayor John O'Reilly asked to raise the millage rate on the November 2011 ballot, not November 2012 as previously reported. Voters approved that ballot measure. The original version of this story was posted online on Feb. 20, 2012. It is available with hyperlinks and more info at www.MichCapCon.com/16485.

Less Than 0.001 Percent of Tenured Teachers Fired Over Past Five Years

BY JARRETT SKORUP

Harbor Beach Community Schools paid one teacher tens of thousands of dollars to leave, despite the teacher getting caught kissing some students and headlocking one after being confronted for his behavior. Dearborn Public Schools paid four teachers a total of \$197,353 to get rid of them after charges of sexual misconduct and possession of illegal substances on school grounds. Gladwin Community Schools has dished out about \$40,000 thus far in a legal case against a kindergarten teacher arraigned on charges of furnishing alcohol for minors.

These are a few of at least 156 tenure cases brought by Michigan public school districts over the past five years. These 156 cases cost school districts and taxpayers at least \$7.7 million to cover the costs of removing, or attempting to remove, tenured teachers.

Michigan Capitol Confidential sent Freedom of Information Act (FOIA) requests for the costs to districts of their tenure cases over the past five years. These cases covered June of 2006 through June of 2011.

The Michigan Legislature has recently passed a series of bills that limits teacher tenure and seniority rules. Michael Van Beek, director of education policy at the Mackinac Center for Public Policy, says the changes are good but more needs to be done to protect taxpayer money.

"These tenure reforms empower school boards and principals to better manage their teaching staff," said Van Beek. "But we'll have to wait and see if

schools decide to use this new power to positively impact student achievement or whether they'll continue to operate like they have in the past."

Van Beek also believes that districts were dissuaded from attempting to remove teachers because of union-backed collective bargaining rules and lawyer and court costs.

The 156 cases means less than 0.001 percent of tenured teachers in Michigan were removed or had school districts attempt to remove them over the past five years. This number includes teachers who resigned or signed a severance package after a district made attempts to get rid of them. According to the education documentary "Waiting for Superman," every year nationwide one out of every 57 doctors and one out of every 97 lawyers loses his or her license for malpractice. Drawing from U.S. Department of Education statistics, the film notes that only one out of every 2,500 unionized public school teachers with tenure gets fired in any given year.

One school administrator, who requested anonymity, agrees

that cost and time are two of the main "facets" that needed to be evaluated by the Legislature. But the public school official believes the third and most important problem has yet to be addressed.

"The bigger problem is the Tenure Commission which for many years has been extremely pro teacher," wrote the official in an email. "I have read cases where school districts have spent both time and money and have excellent documentation and a teacher should have been fired, but the Tenure Commission did not remove the teacher."

"The make-up and power of the Tenure Commission is something that has to be changed." ■

Editor's note: Approximately 475 of Michigan's 551 school districts, or 86 percent, replied to the FOIA request. Notable districts that did not reply include: Detroit Public Schools, Southfield Public Schools, Highland Park Schools, Mount Clemens Community Schools, Mona Shores Public Schools, Lapeer Community Schools, Lakeview Community Schools and Inkster Public Schools. The original version of this story was posted online on Sept. 6, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15682.

LEADERS DISCONNECTED

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education, a lot of it doesn't reach the classrooms. For instance, look at all the money we're having to use to pay for MPERS (teacher retirement benefits).

"I would say that money is important, but how you use it makes all the difference. I mean here in Michigan we have schools spending \$12,000 per student and there are private schools only spending \$5,500, but sending a higher percentage of their students on to college. That's why we need to focus on innovations. That's what I'm hoping I can continue to work toward at my new job."

CC. Can we reach a point where we tailor our education system to the student, instead of tailoring the students to the system?

"I think there is a pathway to that happening. If you sit in on our cyber-schools you'd see it starting. Right now our education system has brilliant students who are held

back because their teachers have to slow up for other students. At the same time, we have teachers who can't give students the time they need to catch up.

"That's where innovations like the cyber-schools can potentially make all the difference. Kids aren't made from cookie cutters. They're not all alike and their situations back home aren't all the same. When you see these kids watching cyber-classes, you see how awake and aware they are. For some it might be better at 6 a.m., for others it might be better in the evening. We have to get away from the cookie-cutter approach. I believe technology is going to have a lot to do with how we get away from it.

"I think we need to be bold. Will everything we try always work out? No. But we need to be up there swinging. We need to swing for the seats, and if we strike out sometimes, we just need to go up there and keep trying." ■

The original version of this story was posted online on Sept. 2, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15657.

Grosse Pointe State Rep: Public Schools Must Control 'Who Is Allowed to Attend'

BY JOSEPH G. LEHMAN

State Rep. Timothy Bledsoe, a Democrat from Grosse Pointe, said he's worried that a statewide, mandatory schools of choice program would be the "death blow" to local control of schools.

Every time you hear "public schools have to accept all kids," remember these words from Rep. Bledsoe: "If your school board cannot control its boundaries and who is allowed to attend your schools, there just isn't much left that Lansing can't determine," Bledsoe told The Associated Press.

That's right. Parents' freedom

to choose a better school for their kids is a "death blow" to public schools that can't "control ... who is allowed to attend...."

I wonder if Rep. Bledsoe thinks a child suffers a "death blow," or perhaps something less severe, when he or she is assigned to a failing school, and the people who run the better public school down the street stand in the schoolhouse door to keep that child out. ■

The original version of this story was posted online on Aug. 30, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15643.

CAPCON MICHIGAN CAPITOL CONFIDENTIAL

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House Votes to Ban Automatic Dues Deductions For School Unions

BY KEN BRAUN

Every year, about 150,000 public school employees have their union dues paid through payroll deduction by their district. In 2010, that amounted to \$65.5 million that went to the Michigan Education Association. Such a collection method is a stipulation that public school districts allow to be included in union contracts, but it is one the Michigan House of Representatives wants to end.

The state House recently passed 2011 House Bill 4929, which would ban using public school resources to deduct union dues.

The bill passed 55 to 53, with all of the "no" votes coming from Democrats, as well as eight Republicans: Reps. Ben Glardon, R-Owosso, Kenneth Horn, R-Frankenmuth, Earl Poleski, R-Jackson, Holly Hughes, R-Montague, Sharon Tyle, R-Niles, Deb Shaughnessy, R-Charlotte, Kenneth Kurtz, R-Coldwater, and Paul Muxlow, R-Brown City.

If the bill becomes law, teachers would still owe and be legally required to pay the union dues unless other state laws were changed to make teacher union membership voluntary. If that

were to occur, the union itself would have to collect the fees that go into its pocket, much as if it were the cable company collecting a monthly bill.

In Grand Rapids recently, about 100 teachers stopped paying union dues to the Grand Rapids Education Association once automatic payroll deductions were removed temporarily after the contract between the union and the district expired. A few were sued by the MEA.

Patrick Wright, director of the Mackinac Center Legal Foundation, said the issue could become a public relations problem for the MEA.

"Do you sue your own members?" Wright asked. "Do you try to get your own members fired?"

Mackinac Center President Joseph G. Lehman said that any business with \$65 million in billings would have to hire a dedicated staff to do nothing but collect payments.

"How are they going to collect if they have to collect it themselves? Teacher by teacher?" Lehman said in an email. "But the MEA is not a regular business.

They are taking money from people who have no choice (other than unemployment) but to pay. How much harder is it to collect from people who: 1) Don't have to pay (under teacher Right To Work or lack of a union security clause) and 2) Don't want to pay (an unknown number of teachers who simply don't want to pay the union for whatever reason.)"

Lehman said it could translate into significant additional costs to the MEA and the possibility of the loss of millions of dollars from those teachers who just won't pay.

Amber McCann, spokeswoman for State Senate Majority Speaker Randy Richardville, R-Monroe, didn't respond to messages or emails asking if Richardville would support stopping automatic payroll deduction for public school unions. ■

The original version of this story was posted online on Sept. 18, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15738.

TEACHER RIGHT-TO-WORK

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the concept behind the legislation, the Speaker has been very interested in pursuing right-to-work. We would certainly look at this [proposed legislation] as a way to get that conversation started."

Considering the apparent predisposition of the House and the governor, if the legislation runs into any snags, they would most likely pop up at the beginning of the process in the Michigan Senate. At this point, however, efforts to block the legislation in the Senate would probably be considered long shots.

Senate Education Committee Chairman Phil Pavlov, R-St Clair, joined the chorus of those who said they were surprised when Sen. Richardville made his statements on TV.

"We've talked about a lot of things, but I really didn't know about this one," Pavlov said. "I guess the Senate Leader has his own timing."

Sen. Pavlov said he couldn't evaluate the chances of the "Freedom to Teach Act" passing in the Senate, because he actually knows very little about it.

"I'll be glad when we can get together Tuesday and talk about all of this," Sen. Pavlov said. "I have been working very hard on our package of reform bills, which includes more parental choice, charter schools and things like dual enrollment. We also have a bill that would allow schools to contract out for instructors, just like they do now for things like maintenance and transportation. It's not quite 'right to work' for teachers, but some of the effects would be similar."

"We announced our reform package last Wednesday," Sen. Pavlov added. "I've been so immersed in those reforms that I'll have to do some catching up on this."

For years, it's been suspected that a significant percentage of teachers would opt out of their unions if given the opportunity to do so. The percentage of teachers who don't generally agree with the political positions of their unions has traditionally been tabbed at about 40 percent. One argument in favor of the legislation is that teachers who don't agree with union political stances shouldn't have to pay dues that will eventually be used to support those stances.

Unions, however, argue that if teachers don't have to be in unions, then they end up gaining the advantages of union collective bargaining without paying for them. ■

The original version of this story was posted online on Sept. 12, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15709.

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Defined-Contribution Retirement Reform Introduced in Michigan

BY JAMES M. HOHMAN

Sen. Rick Jones, R-Grand Ledge, has introduced legislation that would offer new Michigan public school employees a defined-contribution retirement plan instead of the state's current pension plan. This would begin to contain the underfunding problems of government pension problems and save taxpayers billions over time while ensuring that the state meets its promises to retirees. Plus, it would help bring government employees' benefits in balance with the private-sector.

The benefits provided by the public school retirement system are expensive, costing each district 23 to 24 percent of an employee's salary. It also requires most workers to pay up to 6.4 percent of their paychecks into the system. In contrast, the private-sector plans offered by major Michigan private-sector companies cost 5 percent to 7 percent of payroll and have no mandatory employee contributions. The proposed legislation would include a maximum cost to taxpayers of 7 percent for pension benefits, right at those rates, and participants should also applaud the lack of mandatory contributions.

The state already closed its state employee pension plan to new members in 1997. Earlier this year, we estimated that it saved taxpayers \$167 million in annual pension costs and an additional \$2.3 billion to \$4.3 billion in unfunded liabilities.

Currently, the public school retirement system is behind on its pension obligations by \$17.63 billion. This is the difference

between what the state has set aside to pay in pensions and what it expects its employees and retirees to have earned. So these costs are going to be paid by taxpayers one way or another. Changing over to a defined-contribution plan keeps the state from racking up much more. It also ensures that the catch up costs — about half the employer contributions — will eventually go away.

The benefits provided by the public school retirement system are expensive, costing each district 23 to 24 percent of an employee's salary.

Closing the pension system is needed to make the it affordable, predictable and current, as Richard C. Dreyfuss, an adjunct scholar with the Mackinac Center, remarked. In the end, that will benefit workers who will be paid what they are promised and for taxpayers who would no longer be on the hook for expensive pension underfunding. ■

The original version of this story was posted online on Sep. 13, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15718.

SIERRA CLUB'S WAR ON COAL BLAMED FOR 53K LOST JOBS IN MICHIGAN

BY TOM GANTERT

The state of Michigan has lost 53,587 jobs — 8th highest in the country — due to the Sierra Club's campaign to shut down coal factories, according to a report released by the National Mining Association.

The analysis claims the Sierra Club's "Beyond Coal" campaign, in which the environmental group files a lawsuit against every coal plant in America seeking a permit, has cost the country 116,872 permanent jobs

and 1.12 million construction jobs. Michigan's job-loss figure includes both permanent and construction jobs.

"From this analysis, only two conclusions are possible: Either the Sierra Club is exaggerating its effectiveness, or its effectiveness is genuine but at the cost of hundreds of thousands of high-wage jobs for Americans struggling to find work in the middle of an historic employment crisis," said NMA President and CEO Hal Quinn.

The Sierra Club's website

claims its "Beyond Coal" campaign has stopped 150 new coal-fired power plants over the past few years.

The Sierra Club stated since 2007, activists' efforts have cancelled or delayed eight proposed coal plants in Michigan.

Anne Woiwode, state director of the Michigan chapter of the Sierra Club, declined comment, saying she hadn't seen the report. She directed questions to Sean Sarah, spokesman for the national organization. Sarah didn't reply to emails seeking comment. ■

The original version of this story was posted online on Sept. 8, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15690.

Train Station with 78 Daily Riders Gets \$1 Million in Stimulus Renovations

BY TOM GANTERT

The Jackson Amtrak station will get \$1 million in renovations thanks to the American Relief and Recovery Act (the federal stimulus program), according to the Jackson Citizen Patriot. But Wendell Cox, a transit consultant in St. Louis, Mo., questions why an Amtrak station with 78 customers a day would warrant such an expense.

Cox pointed to the Chatsworth station located in southern California about 40 miles from the Los Angeles area as the type of facility Jackson requires. Chatsworth gets twice as many trains and about 20,000 more passengers per year than Jackson, but has just a platform with a shelter and a ticket vending machine. It is unmanned. There is a building that has a museum and is also shared by a bus company.

By contrast, the Jackson station is staffed by 1.5 full time positions, according to Amtrak. The average Amtrak employee

living in Michigan is paid about \$69,600 a year in salary.

How else might the federal government have spent the \$1 million in station renovation costs to help 78 people move around the region each day?

According to listings on Cars.com, the federal government could have used the \$1 million to purchase 78 Ford Focus automobiles with less than 50,000 miles on them, and paid \$13,000 per car at most — often far less.

"Granted the Jackson station is an attractive historic building and there should be a market to privately redevelop it into something that can be used for a productive purpose," Cox wrote in an email. "The one thing it is not needed for is trains. Ever wonder why we are on the road to Greece?"

Jackson gets 28,506 passengers per year and six trains a day, according to Amtrak. Chatsworth gets 49,178 passengers per year and 12

trains a day.

Marc Magliari, a spokesman for Amtrak, said more than 500 stations in the country are unmanned. That includes several in Michigan, he said. For example, Royal Oak has a platform and a shelter and is unmanned. Royal Oak services 34,306 passengers per year.

At unmanned kiosks, passengers buy their tickets online or from a vending machine or pay the conductors, Magliari said.

"We look at staffing issues all the time," Magliari said. "Overwhelmingly, the number of places we ticket you are unstaffed."

Magliari said Amtrak is testing markets for e-ticketing and for onboard scanning of tickets in efforts to reduce expenses. ■

The original version of this story was posted online on Sept. 8, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15690.

Inaccurate Claims Buoy Attacks on Charter Public Schools

'There is no such thing as a "for-profit" charter school in Michigan'

BY TOM GANTERT

Comstock Public Schools privatized janitorial services with a for-profit company in 2009. Yet Todd Mora, the superintendent of the district, opposed charter public schools in a letter to a newspaper that criticized some charter schools as being “for profit.”

Charter public schools in Michigan are increasingly under attack for hiring “for-profit” management companies to run their schools.

State Sen. Rebekah Warren, D-Ann Arbor, sponsored a bill that would amend the state Constitution to prohibit public schools from being operated on a for-profit basis or by a for-profit entity.

But some question why conventional public schools can use “for-profit” companies for things such as hiring substitute teachers, janitorial and other services yet attack charter schools for doing the same thing.

“School furniture and textbooks are purchased from for-profit companies. Schools are built by for-profit companies. Classroom supplies come from for-profit companies. School attorneys and auditing firms are for-profit,” said Joe Lehman, president of the Mackinac Center for Public Policy, in an email. “Is she saying the schools should just not buy any of these things either? Or is she saying that government needs to have its own book factories, furniture factories, construction crews, etc.?”

The Mackinac Center's 2011 school privatization survey found that more than half of Michigan's

public school districts (53.6 percent) contract out for custodial, food or transportation services.

Contrary to some media reports, charter schools are “nonprofits,” just like conventional public school districts, according to one state education official.

“There is no such thing as a ‘for-profit’ charter school in Michigan,” said Martin Ackley, spokesman for the Michigan Department of Education, in an email. “Public School Academies are public schools by state law, and state law requires all public schools to be nonprofits. There are, however, for-profit companies that are contracted to operate charters under the oversight and direction of nonprofit Public School Academy boards.”

Eighty percent of the state's 259 charter schools contract out for instructional or noninstructional services, according to Gary Naeyaert, spokesman for The Center for Charter Schools at Central Michigan University.

“Ask a traditional school district, ‘Why is okay to contract bus, janitorial and food services but it's not okay to contract instructional services?’ The real answer is the union won't like it,” Naeyaert said.

Also, the charter schools that hire for-profit management companies aren't mandated to have teachers join a teacher's union. Naeyaert said Central Michigan University authorizes 56 charter schools and he's aware of only one that has unionized teachers. ■

The original version of this story was posted online on Dec. 5, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/16108

BUREAUCRATS VS. PARENTS — WHO SHOULD CHOOSE WHERE CHILDREN ARE EDUCATED?

A glimpse into the public school establishment's mindset

BY MICHAEL VAN BEEK

Normally spokespeople for the public school establishment are extremely careful and very good about sticking to their talking points.

But recently at a House Education Committee hearing about expanding parental choice, Debbie Squires of the Michigan Elementary and Middle School Principals Association let this slip:

“Educators go through education for a reason. They are the people who know best about how to serve children. That is not necessarily true about an individual resident. Not saying that they don't want the best for their children, but they may not know what actually is best from an education standpoint.”

The idea that four years of pedagogical training is all it takes to identify the best interests of all students is absurd. No group of politicians, government bureaucrats, school board members, union representatives, superintendents, principals, classroom teachers or other “experts” could obtain such knowledge.

(Of this group, classroom teachers have the best chance of making good decisions on behalf of kids, but they're also the least likely to impact what gets taught, how it gets taught and who teaches it. Those questions are largely determined by bureaucrats, politicians and empowered special interest groups.)

Many parents are offended by this type of

mentality active within the public school system — and rightfully so.

If state policy were based on it, all forms of educational choice would be outlawed, including homeschooling, private schools, public charters and open-enrollment amongst public schools. Even the most basic form of choice — choosing a school by choosing a home — would be forbidden. We'd have a system instead that one might expect to find in Brave New World: Bureaucrats and politically chosen “experts” would manage every education-related decision pertaining to every child.

Of course, anyone familiar with economics, especially Hayek's “The Use of Knowledge in Society,” would recognize the fatal flaw in this type of system. No one person, group of experts, or system can obtain all the knowledge necessary for making the best decision for each unique child.

This is one of the many reasons why competitive education marketplaces are far superior to those that are tightly managed by the state — parents are best suited (although still imperfect) to make educational decisions for the immensely diverse interests, desires and needs of children. ■

The original version of this story was posted online on Feb. 10, 2012. It is available with hyperlinks and more info at www.MichCapCon.com/16453

How Corporate Welfare Hurts People

BY MICHAEL D. LAFAlVE

The recent news that Michigan corporate welfare “winner” GlobalWatt was evicted from its Saginaw headquarters for nonpayment of rent is a reminder that even when no taxpayer cash changes hands, government “incentive” programs can hurt real people in a number of ways.

GlobalWatt is a solar energy company that won a state and local government tax break/subsidy deal that could have been worth as much as \$42 million had the company met performance milestones. The deal was trumpeted by announcements from the company and Michigan corporate welfare officials of “500

potential Saginaw jobs” at a time when state unemployment was 14.6 percent.

The approval of these incentives by state economic development “experts” misled taxpayers, investors, job seekers and local leaders by lending credibility to a business plan that was apparently deeply flawed on many levels. GlobalWatt itself was well aware of this effect, and exploited it.

For example, a company PowerPoint presentation to investors included two references to state backing. A slide titled “Why Solar, Why Today, Why GlobalWatt?” lists “state and local incentives” as one of its four major themes. Another slide reads,

“State of Michigan has offered GlobalWatt significant financial incentives to locate its first plant and is fully supporting the company in its fundraising efforts.”

GlobalWatt also sent (at least) one Michigan investor printed news stories about its state incentive deal that included screenshot photos of the company's CEO with Gov. Granholm from televised news stories.

That investor, Ed Rahe of EAC Investment, led a larger group of investors that initially placed \$100,000 in the firm.

But Rahe explained to this author how the government incentives were part of his

See “Corporate Welfare,” Page 16

GOP SENATOR

from Page 7

decrease would be approximately \$643,000 general fund.”

Two days later, an email from Lyon to workers in the MDCH Medical Services Administration confirmed that “Sen Kahn has cut a deal with SBO to reduce worker rates 5 cents an hour to fund the MQCCC, but has to get sign-off from the House, which won’t be easy, so their exact status for FY 12 is not yet certain. SBO told me this yesterday (Tuesday). The reduction proposal should not be shared publicly yet.”

By Sept. 13, however, Sen. Kahn was apparently unable to make it work. Lyon followed up with another message to the same group saying, “Sen. Kahn has not been able to work out a deal with the House, so we have to move forward as directed in the FY 12 appropriation bill, which means terminating our contract to MQCCC.”

Sen. Kahn said the idea to take five cents an hour from home care providers to keep the MQCCC funded may have stemmed from the SEIU. “There were multiple meetings held (about the MQCCC),” he told the Mackinac Center, “The (five cents idea) could have ‘bubbled up’ from (the SEIU’s) lobbying group.”

But Sen. Kahn claims his interest in keeping the MQCCC funded had nothing to do with pressure from the union. “I wanted, and still do want to see the interlocal agreement maintained and the MQCCC funded,” he stated. He said the MQCCC provides education to people caring for seniors and others who are in need of home care, and improves the quality of care.

Ari Adler, spokesperson for Rep. Bolger, said MQCCC could be defunded without sacrificing any of its services. “We moved ahead with the reforms already in place,” Adler said. He added that most of the duties provided by the MQCCC were picked up by the Department of Community Health. “It’s not like we were eliminating something that couldn’t be replaced. The bulk of it

was able to be done by DCH.”

In the meantime, Sen. Kahn told the Mackinac Center the original push to defund the MQCCC was a mistake. “The MQCCC got lumped in with problems that occurred in DHS (Department of Human Services) and the UAW (United Auto Workers).” He was referencing the day care union scheme brought to light by a Mackinac Center Legal Foundation lawsuit, and ended by DHS in March.

MCLF Director Patrick Wright said the home health care union and the day care union are the same exact underhanded scheme. “A fake employer is created in order to allow a government employee union to come in and unionize people who are really private-sector workers.”

Wright said defunding the MQCCC was the right approach. “The Legislature acted properly in defunding MQCCC because any role it has aside from serving as a union cash cow could be done within DCH.” But Wright added the MQCCC should have been disbanded months earlier, at the same time the fake day care employer was put to pasture by the DHS. “The failure to disband MQCCC in March has already led to the siphoning of \$3 million from the Home Health program. There is legislation that passed the House, HB 4003, which would end this union scheme and prevent it from occurring in future administrations.”

Wright also said this entire ordeal clearly demonstrates the lengths to which public-employee unions will go in the interest of self-preservation. “The amazing resilience of MQC3 indicates that legislation is going to be required to ultimately end the government employee unions’ practice of diverting money from the state’s most needy citizens to fill their own coffers.” ■

[1] Fiscal year.

[2] General fund/general purpose monies in the state budget. The original version of this story was posted online on Oct. 31, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15943.

PIPELINE PROTEST BELIES NATIONAL SECURITY 'CONCERNS'

BY RUSS HARDING

Thousands of demonstrators marched around the White House this past weekend in opposition to the proposed Keystone XL pipeline project, which would bring oil from tar sands in Alberta, Canada, to Texan refineries. This is ironic. Environmental groups frequently enlist conservative support for alternative energy by claiming that imported oil from the Middle East is a national security concern, but the demonstrators’ attempt to convince President Obama to deny the necessary permits for this pipeline punctures any illusions that the environmental movement’s infatuation with alternative energy is motivated by a concern about national security.

It is estimated by geologists that Canadian oil sands may contain

the second-largest known oil reserves, behind only Saudi Arabia. The United States has only two choices: continue to import more oil from the politically troubled Middle East, or encourage the development of oil reserves in North America. Environmentalists’ call for replacing oil with alternative energy is a siren song that will lead the U.S. economy to crash on the rocks of higher energy prices and the resulting loss of U.S. jobs. Vehicles are not going to be powered by wind sails or solar panels for the foreseeable future. Electric vehicles, with their modest range, do not meet the transportation needs of most Americans. An engineer at General Motors once told me that the future of electric vehicles is limited unless we can reinvent the

periodic table.

Some call into question the environmental safety of transporting oil through a trans-Canadian pipeline. I would respond that it is no less risky than, say, traversing the ocean in a ship. In other words, like every venture, this pipeline involves risk — but the risk here is commonplace and manageable.

If the United States does not utilize oil derived from Canadian tar sands, China will; it has already expressed interest in the Canadian oil. The U.S. government should permit the construction of the Keystone XL pipeline; our national security depends upon it. ■

The original version of this story was posted online on Nov. 7, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/15979

CORPORATE WELFARE

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rationale for this investment: “(W)hen I saw Granholm’s picture ... my thinking was, golly, \$42 million dollars we were getting from the state — we should, we should be taking advantage of that as investors. You know, it’s going to save us \$42 million dollars over five years ...” [Emphasis added].

In other words, state inducements for GlobalWatt persuaded private investors to risk their dollars on a corporate welfare project that ultimately collapsed; and one in which the Mackinac Center had been an early skeptic. This was not the only time GlobalWatt would use the state’s imprimatur to gull the public.

It wasn’t just financial investors who were hurt. Jobseekers attracted by the firm’s over-inflated prospects may have taken unnecessary training at taxpayer expense. Delta

College’s “Solar Manufacturing FAST Start Program” trained eight students for GlobalWatt using a Michigan Works grant.

The training lasted eight hours a day, four days a week for months, but only two were ultimately hired by the company — and even then through a temp agency. They did not actually become GlobalWatt employees. The good news, according to Delta College, is that some found work elsewhere in the area.

One local investor, Dr. Debasish Mridha, used a GlobalWatt investment to promote his run for the state Senate. A campaign press release read, “Local Doctor Invests \$100,000 in Green Energy Economy, Creates Jobs.”

To this would-be lawmaker’s credit, he invested only his own money in the firm, not dollars taken from his neighbors. Unfortunately, legislators who vote for corporate welfare handouts, and bureaucrats who hand them out, do just the opposite.

This is not an isolated incident, either. Several solar power companies that were approved for state taxpayer subsidies have either not lived up to expectations or are no longer operating, including Evergreen Solar, Suniva, Energy Conversion Devices and United Solar Ovonics. According to the Bureau of Labor Statistics, about 1,200 solar-energy related jobs were created in Michigan in 2010 — compared to a statewide workforce of about 3.8 million.

Michigan taxpayers can be grateful that the Snyder administration has greatly scaled back Michigan’s entire corporate welfare industrial complex. But until it is eliminated altogether, the special favors and handouts are likely to create more victims, taxpayers among them, who may never even know they’ve been taken for a ride.

The original version of this story was posted online on Feb. 6, 2012. It is available with hyperlinks and more info at www.MichCapCon.com/16443

'Forced Unionization' Brings In \$28 Million For SEIU ... And Climbing

The overwhelming majority of the money can be used for almost anything the union desires

BY JACK SPENCER

The “take” so far from Michigan's forced unionization of supposed home health care workers for the Service Employees International Union is \$28 million. That tally is going up on a monthly basis.

The overwhelming majority of these dollars can be used for almost anything the SEIU desires, including advertising, issue advocacy, lobbying, get out the vote efforts and other political purposes.

According to the Michigan Department of Community Health, the amount of “dues” taken out of subsidy checks that go to “home health care workers” checks and passed on to the SEIU so far is as follows:

2007: \$5,040,263
 2008: \$4,922,359
 2009: \$6,058,075
 2010: \$5,677,792
 2011: \$6,391,314

Add it up and you get \$28,089,803.

“This is pretty much an example of government at its worst,” Wendy Day of Common Sense in Government told Capitol Confidential. “What we’re seeing here is the taxpayers being placed in the hands of special interests.

“The one thing we can be thankful for is that it hasn’t been made permanent,” Day continued. “Hopefully they’ll put a stop to this and do so soon.”

Randy Bishop of the Northern Michigan Patriots described the forced unionization situation as “unbelievable.”

“This is bureaucracy at its worst,” Bishop said. “Government

has no business being involved with something like this or helping it to take place. It’s even more improper if legislators allow this to continue. Those who do so should be replaced in the very next election.”

“Twenty-eight million in ill-gotten dollars is enough,” said Patrick Wright, director of the Mackinac Center Legal Foundation. “This needs to stop.”

Charlie Owens, state director of the National Federation of Independent Business, said the cost keeps increasing but the plot remains the same.

“What we’ve seen here is \$28 million that’s been taken from the pockets of patients, parents and, frankly, from workers,” Owens said. “At this point it’s become clear that this was the result of a concocted scheme to get dues money for the union.”

The “forced unionization” began when Jennifer Granholm was governor. It involved the creation of the Michigan Quality Community Care Council, which was used as a sham employer for the so-called home health care workers. The term “home health care workers” is in many cases misplaced. Many of those who were shanghaied into the union roughly six years ago are actually parents or other relatives who take care of developmentally disabled adults.

The main goal of the forced unionization appears to have been setting up a mechanism to funnel taxpayer dollars into union coffers. It took place in a covert manner, with the news media left out in the cold.

Issues, such as the following, were never vetted in a public forum:

- Who is or isn't a so-called “home health care worker?”
- Were the people involved actually self-employed?
- Were any of them even eligible to be considered as public employees?

The election that unionized 43,000 so-called home health care workers statewide was also carried out covertly. Perhaps not surprisingly, only about 20 percent of those eligible to vote returned ballots.

This method of forced unionization was also used during the Granholm administration against home-based day care providers, a practice that the Snyder administration has since ended.

The forced unionization, however, continues in spite of the efforts of a majority in the Legislature to stop it through the defunding of the MQC3.

Tina DuPont of the West Michigan Tea Party said she wishes the destination of the dues could be traced completely.

“I’d say that \$28 million is a huge amount of money,” Dupont said. “There’s just no need for something like this to go on. I just wonder how much of that money ends up back in the pockets of lawmakers and other politicians.”

Owens said that arguments that the term “forced unionization” is somehow an exaggeration just don’t ring true.

“When I testified before the Senate committee I used words that Ken Cole (SEIU lobbyist) seemed to think were over the top,” Owens said. “But then Pat Wright got up and talked about the emails you (Mackinac Center for Public Policy) have that prove

that this was a union scheme and that what was actually happening was being purposely covered up.

“Those supporting this forced unionization claim there are things of value in the MQC3, such as training and lists etc,” Owens continued. “Well, you don’t need to coerce people into a union to have those things. They (unions) keep talking about the misclassification of independent contractors. Nobody in the state has done the level of misclassification we’ve seen here with the MQC3. They (the SEIU) have absolutely no credibility on this issue.”

House Bill 4003, the first House bill introduced in the current legislative session, was initially aimed at stopping any future ‘forced unionizations’ from taking place. However, it has now taken on the aspect of

being one possible way of ending the continued “home healthcare worker” dues extractions.

It passed easily in the House, but, had been stalled in the Senate. It is now before the full Senate.

When asked to comment for this article, there was no response from SEIU Healthcare Michigan or the pro-government union group “Rights at Work.” ■

The original version of this story was posted online on Dec. 7, 2011. It is available with hyperlinks and more info at www.MichCapCon.com/16124.

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Members of the Michigan House and Senate are the second highest-paid state legislators in the United States, behind California.

Base member annual pay: \$79,650

Additional annual expense allowance: \$12,000

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Minority floor leaders in both House and Senate: \$10,000

Chair of Appropriations Committee in both House and Senate: \$7,000

House speaker pro tempore and Senate president pro tempore: \$5,513

In more than 30 states, the position of state legislator is a part-time job with a salary of \$30,000 or less. Texas — the second most populous state and second largest geographically — pays lawmakers \$7,200 per year.

Some pay much less: New Hampshire legislators are paid a salary of \$200 for a two-year term of office; Alabama pays \$10 per day; and New Mexico offers no salary at all — just expenses. ■

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I'M JUST A BILL

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**A sampling of proposed
state laws, as described on
MichiganVotes.org**

SENATE BILL 779

Impose criminal penalties for making toy gun look real

Introduced by Sen. Hoon-Yung Hopgood D-Taylor

To prohibit changing, altering, removing, or obliterating any coloration or markings on an imitation or toy gun that are required by any applicable state or federal laws, in a way that makes it look more like a real firearm, subject to up to 18 months in prison and a \$10,000 fine.

HOUSE BILL 4919

Impose plastic shopping bag tax

Introduced by state Rep. Douglas Geiss D-Taylor

To impose a tax of one-cent per bag on plastic grocery and shopping bags, with some exceptions. Retailers would be subject to related record keeping and reporting mandates.

SENATE BILL 857

Ban barber pole display by unlicensed hair cutters

Introduced by Sen. John Gleason D-Flushing

To revise the law that prohibits a person from earning a living as a barber unless he or she gets a state license, so that it would prohibit a person who does not have the license from displaying a barber pole. Under current law, barbering is

illegal without a license, and a new barber can't get a license unless he or she has completed a 2,000-hour course of study at a licensed barber college, and met other requirements imposed by a board comprised of existing barbers who have received political appointments to this board.

HOUSE BILL 5417

Allow Detroit City Lottery

Introduced by Rep. Jimmy Womack D-Detroit

To allow Detroit to create its own lottery, subject to a vote of its people.

HOUSE BILL 5086

Ban government sending payroll PAC money to union

Introduced by state Rep. Paul Opsommer, R-DeWitt

To prohibit the state, school districts and local governments from deducting money from an employee's paycheck and contributing it to a union Political Action Committee (PAC). The bill would grant residents the right to sue for violations.

SENATE BILL 967

Authorize dedicated "rolling transit" lanes

Introduced by Sen. Virgil Smith, Jr. D-Detroit

To allow the state and local road agencies to restrict certain dedicated lanes to "rolling rapid transit vehicles." See also House Bill 5309 and Senate Bill 909.

HOUSE BILL 5030

Ban state workplace regulations more stringent than federal

Introduced by state Rep. Joseph Haveman, R-Holland

To prohibit the Michigan Occupational Safety and Health Administration (MIOSHA) promulgating rules more stringent than required by federal standards, unless specifically authorized by state statute. ■