

Order

Michigan Supreme Court
Lansing, Michigan

December 9, 2022

Elizabeth T. Clement,
Chief Justice

162601

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

TECHNICAL PROFESSIONAL AND
OFFICEWORKERS ASSOCIATION OF
MICHIGAN,
Respondent-Appellant,

v

SC: 162601
COA: 351991
MERC: 00-000034

DANIEL LEE RENNER,
Charging Party-Appellee.

On October 13, 2022, the Court heard oral argument on the application for leave to appeal the January 7, 2021 judgment of the Court of Appeals. On order of the Court, the application is again considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) what is the difference between the common-law analysis of the duty of fair representation and the statutory analysis of “coercion” and “restraint” under the public employment relations act (PERA), MCL 423.201 *et seq.*, and whether the outcome in this case will differ based on which analysis is used; (2) whether the fee schedule in this case violates §§ 9 and 10 of PERA (MCL 423.209; MCL 423.210); and (3) whether the fee schedule in this case violates the common-law duty of fair representation. The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

Amici who appeared at the application stage (American Federation of State, County, and Municipal Employees; Michigan Education Association; Michigan State AFL-CIO; American Federation of Teachers; Mackinac Center for Public Policy; National Right to Work Legal Defense Foundation, Inc.) are invited to file supplemental briefs amicus curiae. The State Bar of Michigan Government Law Section and State Bar of Michigan Labor Law Section are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 9, 2022

Clerk