

MSC Order List: February 3, 2012

February 6, 2012 By Sarah Riley Howard

The Supreme Court denied five applications for leave. Two of those involved a contested case pending in front of the Michigan Employment Relations Commission (MERC) over whether the University of Michigan graduate student research assistants will unionize. The Supreme Court [held](#) that it would not review the Court of Appeals' decision that it did not have jurisdiction over an interlocutory appeal of MERC's denial of a motion to intervene by the Attorney General and a group opposed to unionization. Justices Young and Markman both concurred, with Justice Markman noting his concerns with MERC's position.

Both U-M and the Graduate Employees Organization seeking to unionize take the position that the graduate assistants are "public employees" under the Public Employment Relations Act (PERA). Justice Markman wrote that the AG's office should have been permitted to present the case that the graduate students do not even fall within PERA.

The Supreme Court also [declined](#) to hear appeal of a dispute between Mason and Oceana Counties and the public mental health provider there, regarding a contract for leased space that the Department of Community Health said violated its rules as not being negotiated at arm's length. The mental health services provider risks loss of grant funds if it honors the lease without DCH's approval. DCH was a co-defendant in the case and argued that it could only be heard in the Court of Claims, a position rejected by the circuit court and Court of Appeals. Justice Markman dissented, stating that the Court of Appeals' opinion leaves some confusion regarding Court of Claims jurisdiction.

Finally, the Supreme Court declined to hear two applications involving termination of parental rights.