

Order

Michigan Supreme Court
Lansing, Michigan

May 25, 2016

Robert P. Young, Jr.,
Chief Justice

147511 & (58)

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

MICHIGAN ASSOCIATION OF
GOVERNMENTAL EMPLOYEES,
Plaintiff-Appellee,

v

SC: 147511
COA: 304920
Ct of Claims: 10-000037-MK

STATE OF MICHIGAN and OFFICE OF
THE STATE EMPLOYER,
Defendants-Appellants.

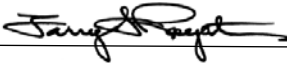
On May 4, 2016, the Court heard oral argument on the application for leave to appeal the June 20, 2013 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.305(H)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REMAND this case to the Court of Claims for issuance of an order granting summary disposition in favor of the defendants on Count I of the Complaint. The Civil Service Commission has “plenary and absolute” authority to set rates of compensation and to determine the procedures by which it makes those compensation decisions. See *UAW v Green*, 498 Mich 282, 288 (2015). The consensus agreement purports to bind the parties to jointly recommend certain wage increases for civil service employees, and was part of the process by which the Civil Service Commission fixed rates of compensation. The plaintiff’s breach of contract claim arises out of the exclusive constitutional authority of the Civil Service Commission to “fix rates of compensation” for the classified service. Const 1963, art 11, § 5. Judicial incursion into that process is “unavailing.” *Council No 11, AFSCME v Civil Service Comm*, 408 Mich 385, 408 (1980). The motion to supplement the record is considered, and it is DENIED. Evidence regarding the amount of damages is irrelevant because the controversy fell exclusively within the purview of the Civil Service Commission.



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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.

May 25, 2016


Clerk