

Sixth Circuit Upholds Michigan's Public Act 53 Regulating Public School Union Dues

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Michigan's Public Act 53 prohibits public-school employers from providing payroll deductions to collect union membership dues from public-school employees. A group of union and union members challenged the Act facially, alleging that it violated their federal constitutional rights.

The district court entered a preliminary injunction barring enforcement of the Act, and the State appealed. In evaluating the injunction on appeal, the U.S. Court of Appeals for the Sixth Circuit noted that when a party seeks a preliminary injunction on the basis of a potential constitutional violation, the determinative factor is often whether there is a likelihood of success on the merits.

Ultimately, the Sixth Circuit reversed the preliminary injunction, holding that the challengers' First Amendment and Equal Protection claims were without merit. On the First Amendment claim, the court held that the Act does not restrict speech and does not discriminate based upon viewpoint. The court also held that the equal-protection claim failed because there is a conceivable legitimate governmental interest in support of the classification barring public-school employers from using their resources to collect union dues.

For more information read [Bailey v. Callagan, No. 12-1803 \(6th Cir., May 9, 2013\)](#).

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