

## SUPREME COURT NOW CONSIDERING RUO/CMUO DISPUTE

MCO and the Attorney General's office were called before the Michigan Supreme Court Jan. 23 on the abolishment of the RUO and CMUO positions.

Essentially, the Court asked the parties to argue their respective positions as to the Michigan Court of Appeals decision released last year, which favored the state. The Court of Appeals reversed a circuit court decision which favored MCO.

Specifically, the Supreme Court zeroed in on the legal standard "authorized by law," and asked whether it was the appropriate standard in this case, and if the

Court of Appeals applied it correctly?

The crux of the case deals with: 1) whether this standard allows a higher court to review evidence in the record (as the circuit court did), or 2) whether the reviewing court is barred from reviewing the evidence (as the Court of Appeals determined), and 3) ruling on whether the Civil Service Commission's abolishment of the positions was appropriate because of powers granted to it.

MCO's position is, of course, the appellate court must review the evidence; otherwise there is no meaningful review.

The Attorney General's position is that the appellate court cannot look at the evidence, and can only determine if the action was authorized by law.

We now await the Supreme Court's decision. The Court could: 1) decline to hear the matter further, thereby allowing the Court of Appeal's decision to stand; or 2) decide to take the case and rule on the merits of the original issue. The Court is under no time constraints.

MCO has been fighting the elimination of the RUO/CMUO classifications since 2012. [Read a timeline of our actions.](#)

## MCO MAKES PROGRESS FOR MEMBERS IN LAME DUCK SESSION, PLANS FOR '19-20

As this year's legislative session gets into swing, let's reflect on the historic 2018 lame duck session and the wins MCO achieved through partnerships in the legislature.

MCO was able to successfully utilize the lame duck session to beat back anti-union proposals and pass seven pieces of pro-officer legislation that improve the safety and security of correctional officers and increase recognition for a profession that is often misunderstood and misrepresented. These successes are a stark contrast to the lame ducks of years past, which brought anti-union legislation like Right-To-Work and Expansion of Private Prisons (See "[2012- Lame Duck wrap up, plus how your legislator voted](#)").

Among the [MCO backed legislation](#) that was signed by Governor Snyder was a five bill drone package, a bill that renames a portion of Interstate 94 as the "Corrections Officers Jack Budd and Josephine McCallum Memorial Highway" and a bill that returns certain Absconder Recovery Unit officers to covered retirement after a state audit unjustly removed them.

But these legislative victories would not be possible if it weren't for the [hard work and dedication of MCO members](#). Through town halls, legislative coffee hours, district meetings and the [Move](#)

[Forward campaign](#), members created a culture of engagement and championed an intensive effort to raise corrections issues. You may not see it every day at your facility, but it's true. For example, **members signed Move Forward posters, and now several legislators have these posters displayed in their offices. After seeing these posters and reading about the values on our website, several legislators approached MCO to get the officers' perspective on mandates, staffing shortages, and other issues that they used to only ask MDOC about.** We can't overstate the importance of these relationships.

"To see this many pro-officer corrections bills signed into law shows the growing attention and respect corrections officers have at the state Capitol," said Jeremy Tripp, MCO-Director of Government Affairs.

In 2019, MCO plans to keep the momentum rolling and has already begun legislative outreach on important corrections topics. Outstanding on our list of priorities that did not pass due to time limits in the previous legislative cycle are: the creation of, and appointment to, a suicide prevention commission; the ability for corrections officers to carry and administer opioid antagonists; and bills that

would acknowledge and penalize criminals for the targeting of officers based on their perceived or actual employment.

These legislative gains are the kind of work we can achieve if we commit to changing corrections through programs like Move Forward. It takes hard work from all of us – all members, not just leaders and staff in Lansing – to engage and change public opinion. We won't get there overnight, but we are well on our way to changing the narrative and making corrections safer for all.

[HB 5923](#) (Memorial Highway)

[HB 5494](#) (Drones)

[HB 5495](#) (Drones)

[HB 5496](#) (Drones)

[SB 917](#) (Drones)

[SB 922](#) (Drones)

[HB 5411](#) (CSR classification)



### IN MEMORIAM: CO PERDUE

Cotton Officer Michael Perdue passed away Jan. 18.

Perdue started with the MDOC in 1994. He was well-respected by all staff.

The Traumatic Incident Stress Management team (TISM) was at the facility to meet with staff the day of his death.

Rest in peace, CO Perdue.