

# Order

Michigan Supreme Court  
Lansing, Michigan

February 3, 2016

147511

MICHIGAN ASSOCIATION OF  
GOVERNMENTAL EMPLOYEES,  
Plaintiff-Appellee,

v

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

Robert P. Young, Jr.,  
Chief Justice

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

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

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By order of January 29, 2014, the application for leave to appeal the June 20, 2013 judgment of the Court of Appeals was held in abeyance pending the decisions in *UAW v Green* (Docket No. 147700) and *Mich Coalition of State Emp Unions v State of Mich* (Docket No. 147758). On order of the Court, the cases having been decided on July 29, 2015, 498 Mich 282 (2015), and 498 Mich 312 (2015), respectively, the application is again considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order and shall include among the issues to be briefed whether, given that the Civil Service Commission has constitutional authority to “fix rates of compensation” for the classified service, Const 1963, art 11, § 5, and given that the relief the plaintiff requests is not available unless the Civil Service Commission reconsiders its rate-setting decision, is the plaintiff’s breach of contract claim cognizable in the Court of Claims? The parties should not submit mere restatements of their application papers.

LARSEN, J., states as follows:

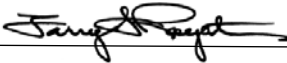
Although I intend to participate in the forthcoming oral argument on the application for leave to appeal, I did not participate in the entry of this order because the Court considered the application before I assumed office and my vote is not outcome-determinative.



t0127

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.

February 3, 2016

  
Clerk