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ABC Urges Federal Appeals Court to Uphold Michigan Fair and Open Competition Law

Lansing, Mich. – Associated Builders and Contractors (ABC) of Michigan this week submitted an amicus brief with the U.S. Court of Appeals for the 6th Circuit defending Michigan’s Fair and Open Competition Act against a challenge filed by construction unions. The act ensures the nondiscriminatory procurement of state services in the award of public construction contracts.

“ABC of Michigan has long stood for maximum fairness and efficiency in the government procurement process, so that taxpayers are guaranteed the fiscal accountability they deserve on public construction,” said Chris Fisher, president of ABC of Michigan. “We prepared our brief in order to support Gov. Rick Snyder’s strong defense of the Fair and Open Competition Act, which was amended by P.A. 238 last year.

“The federal district judge’s injunction against the amended law at the behest of the Building and Construction Trades unions is in an unprecedented expansion of federal labor law preemption of state contracting rules,” added Fisher. “ABC submitted its brief in support of the governor’s appeal from the decision because the federal district court’s decision is fundamentally flawed.”

“Just as 13 other states have done, Michigan has every right to choose to be ‘labor neutral’ and protect taxpayers from a union-only bias in the award of its construction contracts by neither requiring nor prohibiting any government contractor to sign a project labor agreement (PLA). The district court misapplied well established rules governing federal labor law preemption by effectively forcing the state to impose PLAs on its projects, even if the result would increase the costs of taxpayer-funded construction.”

ABC of Michigan was joined in its amicus filing by ABC National, as well as the National Right to Work Legal Defense Foundation and the National Federation of Independent Business. A decision is expected from the Court of Appeals sometime this spring.

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