



# HOUSE BILL No. 4020

January 11, 1995, Introduced by Rep. Clack and referred to the Committee on Human Resources and Labor.

A bill to amend section 10 of Act No. 336 of the Public Acts of 1947, entitled as amended

"An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,"

being section 423.210 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 10 of Act No. 336 of the Public Acts of  
2 1947, being section 423.210 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 10. (1) ~~It shall be unlawful for a~~ A public employer  
5 or an officer or agent of a public employer SHALL NOT DO ANY OF  
6 THE FOLLOWING:

1 (a) ~~to interfere~~ INTERFERE with, restrain, or coerce  
2 public employees in the exercise of their rights guaranteed in  
3 section 9. ~~;~~

4 (b) ~~to initiate~~ INITIATE, create, dominate, contribute to,  
5 or interfere with the formation or administration of any labor  
6 organization. ~~. Provided, That~~ THIS SUBDIVISION DOES NOT  
7 PROHIBIT a public employer ~~shall not be prohibited~~ from permit-  
8 ting employees to confer with it during working hours without  
9 loss of time or pay. ~~;~~

10 (c) ~~to discriminate~~ DISCRIMINATE in regard to ~~hire,~~  
11 HIRING OR terms or ~~other~~ conditions of employment in order to  
12 encourage or discourage membership in a labor organization. ~~;~~  
13 ~~Provided further, That nothing in this act or in any law of this~~  
14 ~~state shall preclude~~ THIS SUBDIVISION DOES NOT PROHIBIT a public  
15 employer from ~~making~~ ENTERING INTO an agreement with an exclu-  
16 sive bargaining representative as defined in section 11 to  
17 require as a condition of employment that all employees in the  
18 bargaining unit pay to the exclusive bargaining representative a  
19 service fee equivalent to the amount of dues uniformly required  
20 of members of the exclusive bargaining representative. ~~;~~

21 (d) ~~to discriminate~~ DISCRIMINATE against a public employee  
22 because he OR SHE has given testimony or instituted proceedings  
23 under this act. ~~;~~ ~~or~~

24 (e) ~~to refuse~~ REFUSE to bargain collectively with ~~the~~  
25 ~~representatives~~ A REPRESENTATIVE of its public employees,  
26 subject to ~~the provisions of~~ section 11.

1 (F) OFFER OR GRANT THE STATUS OF A PERMANENT REPLACEMENT  
2 EMPLOYEE TO AN INDIVIDUAL FOR PERFORMING BARGAINING UNIT WORK FOR  
3 THE PUBLIC EMPLOYER DURING A LABOR DISPUTE, OR OTHERWISE OFFER OR  
4 GRANT AN INDIVIDUAL ANY EMPLOYMENT PREFERENCE BASED ON THE FACT  
5 THAT THE INDIVIDUAL WAS EMPLOYED OR INDICATED A WILLINGNESS TO BE  
6 EMPLOYED DURING A LABOR DISPUTE OVER AN INDIVIDUAL WHO MEETS ALL  
7 OF THE FOLLOWING REQUIREMENTS:

8 (i) WAS AN EMPLOYEE OF THE PUBLIC EMPLOYER AT THE COMMENCE-  
9 MENT OF THE LABOR DISPUTE.

10 (ii) HAS EXERCISED THE RIGHT TO JOIN, ASSIST, OR ENGAGE IN  
11 OTHER CONCERTED ACTIVITIES FOR THE PURPOSE OF COLLECTIVE BARGAIN-  
12 ING OR OTHER MUTUAL AID OR PROTECTION THROUGH THE LABOR ORGANIZA-  
13 TION INVOLVED IN THE LABOR DISPUTE.

14 (iii) IS WORKING FOR, OR HAS UNCONDITIONALLY OFFERED TO  
15 RETURN TO WORK FOR, THE PUBLIC EMPLOYER.

16 (2) It is the ~~purpose of this amendatory act to reaffirm~~  
17 ~~the continuing~~ public policy of this state that the stability  
18 and effectiveness of labor relations in the public sector  
19 require, if ~~such~~ THE requirement is negotiated with the public  
20 employer, that all employees in the bargaining unit ~~shall~~ share  
21 fairly in the financial support of their exclusive bargaining  
22 representative by paying to the exclusive bargaining representa-  
23 tive a service fee which may be equivalent to the amount of dues  
24 uniformly required of members of the exclusive bargaining  
25 representative.

26 (3) ~~It shall be unlawful for a~~ A labor organization or its  
27 agents SHALL NOT DO ANY OF THE FOLLOWING:

1 (a) ~~to restrain~~ RESTRAIN or coerce:

2 (i) ~~public~~ PUBLIC employees in the exercise of ~~the~~ THEIR  
3 rights guaranteed in section 9. ~~Provided, That this~~ THIS  
4 subdivision ~~shall~~ DOES not impair the right of a labor organi-  
5 zation to prescribe its own rules with respect to the acquisition  
6 or retention of membership ~~therein, or~~ IN THE LABOR  
7 ORGANIZATION.

8 (ii) ~~a~~ A public employer in the selection of its represen-  
9 tatives for the ~~purposes~~ PURPOSE of collective bargaining or  
10 the adjustment of grievances. ~~—~~

11 (b) ~~to cause~~ CAUSE or attempt to cause a public employer  
12 to discriminate against a public employee in violation of  
13 ~~subdivision (c) of~~ subsection ~~(1); or~~ (1)(C).

14 (c) ~~to refuse~~ REFUSE to bargain collectively with a public  
15 employer ~~, provided it~~ IF THE LABOR ORGANIZATION is the repre-  
16 sentative of the public employer's employees, subject to section  
17 11.