

# SENATE BILL No. 729

October 6, 2011, Introduced by Senators MEEKHOF, PAVLOV and RICHARDVILLE and referred to the Committee on Reforms, Restructuring and Reinventing.

A bill to amend 1947 PA 336, entitled

"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; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,"

by amending section 10 (MCL 423.210).

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

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

4           (a) ~~to interfere~~ **INTERFERE** with, restrain, or coerce public  
5 employees in the exercise of their rights guaranteed in section 9.

6           +

7           (b) ~~to initiate,~~ **INITIATE**, create, dominate, contribute to, or

1 interfere with the formation or administration of any labor  
2 organization.  ~~+ Provided, That a public employer shall not be~~  
3  ~~prohibited from permitting~~ **A PUBLIC EMPLOYER MAY PERMIT** employees  
4 to confer with  ~~it~~ **A LABOR ORGANIZATION** during working hours without  
5 loss of time or pay.  ~~+~~

6 (c)  ~~to discriminate~~ **DISCRIMINATE** in regard to hire, terms, or  
7 other conditions of employment  ~~in order to~~ encourage or discourage  
8 membership in a labor organization.  ~~+ Provided further, That~~  
9  ~~nothing in~~ **HOWEVER, EXCEPT AS PROVIDED IN SUBDIVISION (F)**, this act  
10 or  ~~in any~~ **OTHER** law of this state shall  ~~shall~~ **DOES NOT** preclude a public  
11 employer from making an agreement with an exclusive bargaining  
12 representative as  ~~defined~~ **DESCRIBED** in section 11 to require as a  
13 condition of employment that all employees in the bargaining unit  
14 pay to the exclusive bargaining representative a service fee  
15 equivalent to the amount of dues uniformly required of members of  
16 the exclusive bargaining representative.  ~~+~~

17 (d)  ~~to discriminate~~ **DISCRIMINATE** against a public employee  
18 because he **OR SHE** has given testimony or instituted proceedings  
19 under this act.  ~~+ or~~

20 (e)  ~~to refuse~~ **REFUSE** to bargain collectively with the  
21 representatives of its public employees, subject to the provisions  
22 of section 11.

23 **(F) IF THE PUBLIC EMPLOYER IS A PUBLIC SCHOOL EMPLOYER, MAKE**  
24 **AN AGREEMENT WITH AN EXCLUSIVE BARGAINING REPRESENTATIVE THAT**  
25 **REPRESENTS 50,000 OR MORE PERSONNEL TO REQUIRE, AS A CONDITION OF**  
26 **EMPLOYMENT, THAT ALL EMPLOYEES IN THE BARGAINING UNIT PAY A SERVICE**  
27 **FEE TO THE EXCLUSIVE BARGAINING REPRESENTATIVE.**

1           (2) It is the purpose of ~~this amendatory act 1973 PA 25~~ to  
 2 reaffirm the continuing public policy of this state that the  
 3 stability and effectiveness of labor relations in the public sector  
 4 require, if ~~such~~ ~~THE~~ requirement is negotiated with ~~the~~ ~~A~~ public  
 5 employer **FOR A BARGAINING UNIT THAT IS NOT A BARGAINING UNIT**  
 6 **DESCRIBED IN SUBSECTION (1) (F)**, that all employees in the  
 7 bargaining unit shall share fairly in the financial support of  
 8 their exclusive bargaining representative by paying to the  
 9 exclusive bargaining representative a service fee ~~which~~ ~~THAT~~ may be  
 10 equivalent to the amount of dues uniformly required of members of  
 11 the exclusive bargaining representative.

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

14           (a) ~~to restrain or coerce:~~ ~~(i) public~~ **RESTRAIN OR COERCE**  
 15 **PUBLIC** employees in the exercise of the rights guaranteed in  
 16 section 9. ~~;~~ ~~Provided, That this~~ ~~THIS~~ subdivision shall ~~shall~~ **DOES** not  
 17 impair the right of a labor organization to prescribe its own rules  
 18 with respect to the acquisition or retention of membership.  
 19 ~~therein;~~ ~~or (ii) a~~

20           **(B) RESTRAIN OR COERCE A** public employer in the selection of  
 21 its representatives for the purposes of collective bargaining or  
 22 the adjustment of grievances. ~~;~~ ~~(b) to cause~~

23           **(C) CAUSE** or attempt to cause a public employer to  
 24 discriminate against a public employee in violation of ~~subdivision~~  
 25 ~~(c) of subsection (1);~~ ~~or (c) to refuse~~ **SUBSECTION (1) (C) OR (F)**.

26           **(D) REFUSE** to bargain collectively with a public employer,  
 27 ~~provided~~ ~~IF~~ it is the representative of the public employer's

1 employees subject to section 11.