

# HOUSE BILL No. 4455

March 13, 2007, Introduced by Reps. Elsenheimer, Hoogendyk, Steil, Agema, Palmer, Garfield, Opsommer, Wenke, Sheen, Meltzer, Acciavatti and Meekhof and referred to the Committee on Labor.

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; 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~~ **HOWEVER**, a public employer shall not  
3 be prohibited from permitting **MAY PERMIT** employees to confer with  
4 ~~it~~ **A LABOR ORGANIZATION** during working hours without loss of time  
5 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 this act or in any law of this state shall preclude a~~  
10 ~~public employer from making an agreement with an exclusive~~  
11 ~~bargaining representative as defined in section 11 to require as a~~  
12 ~~condition of employment that all employees in the bargaining unit~~  
13 ~~pay to the exclusive bargaining representative a service fee~~  
14 ~~equivalent to the amount of dues uniformly required of members of~~  
15 ~~the exclusive bargaining representative;~~

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

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

22 ~~—— (2) It is the purpose of this amendatory act to reaffirm the~~  
23 ~~continuing public policy of this state that the stability and~~  
24 ~~effectiveness of labor relations in the public sector require, if~~  
25 ~~such requirement is negotiated with the public employer, that all~~  
26 ~~employees in the bargaining unit shall share fairly in the~~  
27 ~~financial support of their exclusive bargaining representative by~~

1 ~~paying to the exclusive bargaining representative a service fee~~  
 2 ~~which may be equivalent to the amount of dues uniformly required of~~  
 3 ~~members of the exclusive bargaining representative.~~

4 (2) ~~(3) It shall be unlawful for a~~ **A** labor organization or its  
 5 agents **SHALL NOT DO ANY OF THE FOLLOWING:**

6 (a) ~~to restrain~~ **RESTRAIN** or coerce ~~;(i)~~ public employees in  
 7 the exercise of the rights guaranteed in section 9. ~~;~~ ~~Provided,~~  
 8 ~~That~~ **HOWEVER,** this subdivision ~~shall~~ **DOES** not impair the right of a  
 9 labor organization to prescribe its own rules with respect to the  
 10 acquisition or retention of **ITS** membership. ~~therein; or (ii)~~

11 **(B) RESTRAIN OR COERCE** a public employer in the selection of  
 12 its representatives for the purposes of collective bargaining or  
 13 the adjustment of grievances. ~~;~~ ~~(b) to cause~~

14 **(C) CAUSE** or attempt to cause a public employer to  
 15 discriminate against a public employee in violation of ~~subdivision~~  
 16 ~~(c) of subsection (1); or (c) to refuse~~ **SUBSECTION (1) (C)**.

17 **(D) REFUSE** to bargain collectively with a public employer,  
 18 ~~provided~~ **IF** it is the representative of the public employer's  
 19 employees subject to section 11.

20 Enacting section 1. This amendatory act does not take effect  
 21 unless Senate Bill No. \_\_\_\_ or House Bill No. 4454 (request no.  
 22 00764'07) of the 94th Legislature is enacted into law.