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Senate Bill 1018 (as introduced 3-14-12)
Sponsor: Senator Dave Hildenbrand
Committee: Reforms, Restructuring and Reinventing

Date Completed: 3-21-12

CONTENT

The bill would amend the public employment relations Act to do the following:

- **Exclude from the definition of "public employee" a person who receives a government subsidy in his or her private employment.**
- **Provide that the exclusion could not be superseded by an interlocal agreement, memorandum of understanding or commitment, or similar document.**
- **Prohibit the recognition of a bargaining unit consisting of individuals who are not public employees.**
- **Invalidate a bargaining unit formed or recognized in violation of that prohibition.**

The Act's definition of "public employee" includes a person holding a position by appointment or employment in State or local government, in the public school service, and in any other branch of the public service, subject to exceptions. One of the exceptions applies to a person employed by a private organization or entity who provides services under a time-limited contract with the State or a political subdivision of the State.

Under the bill, the term "public employee" also would exclude a person employed by a private organization or entity who receives a direct or indirect government subsidy in his or her private employment. This provision could not be superseded by any interlocal agreement, memorandum of understanding, memorandum of commitment, or other similar document.

The Act provides for an election to be held when public employees submit a petition alleging that 30% or more of the public employees in a unit wish to be represented for collective bargaining. The Michigan Employment Relations Commission (MERC) must promulgate rules governing the election.

The bill would prohibit an election from being directed for, and would prohibit MERC or a public employer from recognizing, a bargaining unit of a public employer consisting of individuals who are not public employees. A bargaining unit that was formed or recognized in violation of this prohibition would be invalid and void.

The bill states, "This amendatory act is curative, reflects the original intent of the legislature, and is retroactive."

MCL 423.201 & 423.214

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton