

# HOUSE BILL No. 4929

September 8, 2011, Introduced by Reps. Haveman, Lund, Genetski, Lyons, Damrow, Yonker, Rogers and Olson and referred to the Committee on Oversight, Reform, and Ethics.

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 SCHOOL EMPLOYER'S USE OF PUBLIC**  
4 **SCHOOL RESOURCES TO ASSIST A LABOR ORGANIZATION IN COLLECTING DUES**  
5 **OR SERVICE FEES FROM WAGES OF PUBLIC SCHOOL EMPLOYEES IS A**  
6 **PROHIBITED CONTRIBUTION TO THE ADMINISTRATION OF A LABOR**  
7 **ORGANIZATION. HOWEVER, A PUBLIC SCHOOL EMPLOYER'S COLLECTION OF**  
8 **DUES OR SERVICE FEES PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT**  
9 **THAT IS IN EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**  
10 **ADDED THIS SENTENCE IS NOT PROHIBITED UNTIL THE AGREEMENT EXPIRES**  
11 **OR IS TERMINATED, EXTENDED, OR RENEWED. A PUBLIC EMPLOYER MAY**  
12 **PERMIT** employees to confer with ~~it~~ **A LABOR ORGANIZATION** during  
13 working hours without loss of time or pay. ~~+~~

14 (c) ~~to discriminate~~ **DISCRIMINATE** in regard to hire, terms, or  
15 other conditions of employment ~~in order to~~ encourage or discourage  
16 membership in a labor organization. ~~Provided further, That~~  
17 ~~nothing in~~ **HOWEVER**, this act or ~~in any~~ **OTHER** law of this state  
18 shall **DOES NOT** preclude a public employer from making an agreement  
19 with an exclusive bargaining representative as ~~defined~~ **DESCRIBED** in  
20 section 11 to require as a condition of employment that all  
21 employees in the bargaining unit pay to the exclusive bargaining  
22 representative a service fee equivalent to the amount of dues  
23 uniformly required of members of the exclusive bargaining  
24 representative. ~~+~~

25 (d) ~~to discriminate~~ **DISCRIMINATE** against a public employee  
26 because he **OR SHE** has given testimony or instituted proceedings  
27 under this act. ~~+-~~

1           (e) ~~to refuse~~ **REFUSE** to bargain collectively with the  
2 representatives of its public employees, subject to the provisions  
3 of section 11.

4           (2) It is the purpose of ~~this amendatory act 1973 PA 25~~ to  
5 reaffirm the continuing public policy of this state that the  
6 stability and effectiveness of labor relations in the public sector  
7 require, if ~~such~~ **THE** requirement is negotiated with the public  
8 employer, that all employees in the bargaining unit shall share  
9 fairly in the financial support of their exclusive bargaining  
10 representative by paying to the exclusive bargaining representative  
11 a service fee ~~which~~ **THAT** may be equivalent to the amount of dues  
12 uniformly required of members of the exclusive bargaining  
13 representative.

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

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

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

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

1           (D) **REFUSE** to bargain collectively with a public employer,  
2 provided it is the representative of the public employer's  
3 employees subject to section 11.