

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4929

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 the title and section 10 (MCL 423.210), the title as amended by 2011 PA 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to prohibit strikes by certain public employees; to

3

provide review from disciplinary action with respect thereto; to

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provide for the mediation of grievances and the holding of

House Bill No. 4929 as amended March 7, 2012

1 elections; to declare and protect the rights and privileges of
 2 public employees; to require certain provisions in collective
 3 bargaining agreements; ~~and to prescribe means of enforcement and~~
 4 penalties for the violation of the provisions of this act; **AND TO**
 5 **MAKE APPROPRIATIONS.**

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

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

11 ~~+~~

12 (b) ~~to initiate,~~ **INITIATE**, create, dominate, contribute to, or
 13 interfere with the formation or administration of any labor
 14 organization. ~~+~~ ~~Provided, That a public employer shall not be~~
 15 ~~prohibited from permitting~~ **A PUBLIC SCHOOL EMPLOYER'S USE OF PUBLIC**
 16 **SCHOOL RESOURCES TO ASSIST A LABOR ORGANIZATION IN COLLECTING DUES**
 17 **OR SERVICE FEES FROM WAGES OF PUBLIC SCHOOL EMPLOYEES IS A**
 18 **PROHIBITED CONTRIBUTION TO THE ADMINISTRATION OF A LABOR**
 19 **ORGANIZATION. <<**

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21 **HOWEVER, A PUBLIC SCHOOL EMPLOYER'S COLLECTION OF DUES OR SERVICE**
 22 **FEES PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT THAT IS IN**
 23 **EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**
 24 **SENTENCE IS NOT PROHIBITED UNTIL THE AGREEMENT EXPIRES OR IS**
 25 **TERMINATED, EXTENDED, OR RENEWED. A PUBLIC EMPLOYER MAY PERMIT**
 26 employees to confer with ~~it~~ **A LABOR ORGANIZATION** during working
 27 hours without loss of time or pay. ~~+~~

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

12 (d) ~~to discriminate~~ **DISCRIMINATE** against a public employee
13 because he **OR SHE** has given testimony or instituted proceedings
14 under this act. †~~or~~

15 (e) ~~to refuse~~ **REFUSE** to bargain collectively with the
16 representatives of its public employees, subject to the provisions
17 of section 11.

18 (2) It is the purpose of ~~this amendatory act~~ **1973 PA 25** to
19 reaffirm the continuing public policy of this state that the
20 stability and effectiveness of labor relations in the public sector
21 require, if ~~such~~ **THE** requirement is negotiated with the public
22 employer, that all employees in the bargaining unit shall share
23 fairly in the financial support of their exclusive bargaining
24 representative by paying to the exclusive bargaining representative
25 a service fee ~~which~~ **THAT** may be equivalent to the amount of dues
26 uniformly required of members of the exclusive bargaining
27 representative.

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

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

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

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

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

18 **(4) BY MARCH 1 OF EACH YEAR, EACH EXCLUSIVE BARGAINING**
19 **REPRESENTATIVE THAT REPRESENTS PUBLIC EMPLOYEES IN THIS STATE SHALL**
20 **FILE WITH THE COMMISSION AN INDEPENDENT AUDIT OF ALL EXPENDITURES**
21 **ATTRIBUTED TO THE COSTS OF COLLECTIVE BARGAINING, CONTRACT**
22 **ADMINISTRATION, AND GRIEVANCE ADJUSTMENT DURING THE PRIOR CALENDAR**
23 **YEAR. THE COMMISSION SHALL MAKE THE AUDITS AVAILABLE TO THE PUBLIC**
24 **ON THE COMMISSION'S WEBSITE. FOR FISCAL YEAR 2011-2012, \$100,000.00**
25 **IS APPROPRIATED TO THE COMMISSION FOR THE COSTS OF IMPLEMENTING**
26 **THIS SUBSECTION.**