

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. ~~+ or~~

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.