

# HOUSE BILL No. 4309

February 22, 2011, Introduced by Rep. Kowall and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 1988 PA 57, entitled

"An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies,"

by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

TITLE

An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing

1 emergency services to municipalities; to provide for the powers and  
2 duties of authorities and of certain state and local agencies and  
3 officers; ~~to guarantee certain labor contracts and employment~~  
4 ~~rights in regard to the formation and reorganization of~~  
5 ~~authorities;~~ to provide for certain condemnation proceedings; to  
6 provide for fees; to provide for the levy of property taxes for  
7 certain purposes; and to prescribe penalties and provide remedies.

8       Sec. 10. (1) Except as provided in subsection (2), employees  
9 of a municipal emergency service whose duties are transferred to an  
10 authority formed under this act shall be given comparable positions  
11 of employment with the emergency service established by the  
12 authority. ~~, and shall maintain their seniority status and all~~  
13 ~~benefit rights of the position held in the municipal emergency~~  
14 ~~response service before the transfer.~~

15       (2) If sufficient positions of comparable employment are not  
16 available for all employees at the time of transfer, a less senior  
17 employee who is not transferred to a comparable position shall be  
18 placed on layoff status with the authority's emergency service and  
19 shall be recalled to any position for which he or she may qualify,  
20 which may occur after a reasonable training period, or as soon as  
21 vacancies occur, or both. The layoff status, or any layoff list,  
22 shall not be mandatorily honored beyond 3 years from the date of  
23 layoff. The authority shall determine the number of positions  
24 necessary to perform any emergency service, and shall not be  
25 required to create or maintain unnecessary positions.

26       (3) An authority may bargain collectively and enter into  
27 agreements with labor organizations ~~pursuant to Act No. 336 of the~~

1 ~~Public Acts of 1947, being sections 423.201 to 423.216 of the~~  
2 ~~Michigan Compiled Laws. When the duties of a municipal emergency~~  
3 ~~service are transferred to an authority, the authority immediately~~  
4 ~~shall assume and be bound by any existing labor agreements~~  
5 ~~applicable to that municipal service for the remainder of the term~~  
6 ~~of the labor agreement. Subject to the provision of subsection (2),~~  
7 ~~the members and beneficiaries of any pension or retirement system~~  
8 ~~or other benefits established by a municipal emergency service~~  
9 ~~which is transferred to an authority shall have the same rights,~~  
10 ~~privileges, benefits, obligations, and status with respect to the~~  
11 ~~comparable systems established by the authority. UNDER 1947 PA 336,~~  
12 **MCL 423.201 TO 423.217.** A representative of the employees or any  
13 group of employees in a municipal emergency service who represent  
14 or are entitled to represent the employees or a group of employees  
15 of the municipal service , ~~pursuant to Act No. 336 of the Public~~  
16 ~~Acts of 1947, UNDER 1947 PA 336, MCL 423.201 TO 423.217,~~ shall  
17 continue to represent the employee or group of employees after the  
18 employees are transferred to an authority's emergency service. This  
19 subsection does not limit the rights of employees, pursuant to  
20 applicable law, to assert that a bargaining representative  
21 protected by this subsection is no longer their representative.

22 (4) An employee who left the employ of the municipal emergency  
23 response service to enter the military service of the United States  
24 shall have the same employment rights as to the emergency service  
25 as they would have had under the municipal emergency response  
26 service ~~pursuant to Act No. 263 of the Public Acts of 1951, being~~  
27 ~~sections 35.351 to 35.356 of the Michigan Compiled Laws. UNDER 1951~~

1 PA 263, MCL 35.351 TO 35.356.