

# HOUSE BILL No. 4588

April 27, 2011, Introduced by Reps. Shirkey, Agema, Franz, Olson, Rogers, Bumstead, Foster, Damrow, Haveman, Wayne Schmidt, Kurtz, Opsommer, Farrington, Lyons, Huuki, McMillin and Knollenberg 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; 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           †

1           (b) ~~to initiate,~~ **INITIATE**, create, dominate, contribute to, or  
 2 interfere with the formation or administration of any labor  
 3 organization.  ~~+ Provided, That a public employer shall not be~~  
 4 ~~prohibited from permitting~~ **PROHIBITED CONTRIBUTION TO THE**  
 5 **ADMINISTRATION OF A LABOR ORGANIZATION INCLUDES USE OF PUBLIC**  
 6 **EMPLOYER RESOURCES TO ASSIST A LABOR ORGANIZATION IN COLLECTING**  
 7 **DUES OR SERVICE FEES FROM WAGES OF PUBLIC EMPLOYEES. A PUBLIC**  
 8 **EMPLOYER MAY PERMIT** employees to confer with ~~it~~ **A LABOR**  
 9 **ORGANIZATION** during working hours without loss of time or pay.  ~~+~~

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

21           (d) ~~to discriminate~~ **DISCRIMINATE** against a public employee  
 22 because he **OR SHE** has given testimony or instituted proceedings  
 23 under this act.  ~~+ or~~

24           (e) ~~to refuse~~ **REFUSE** to bargain collectively with the  
 25 representatives of its public employees, subject to the provisions  
 26 of section 11.

27           (2) It is the purpose of ~~this amendatory act~~ **1973 PA 25** to

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

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

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

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

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

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