

HOUSE BILL No. 4879

August 24, 2011, Introduced by Rep. LeBlanc and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2170.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2170. (1) EXCEPT AS PROVIDED UNDER SUBSECTION (2), AN
2 AGENT OF A LABOR ORGANIZATION, DURING OR AFTER TERMINATION OF AN
3 AGENCY OR REPRESENTATIVE RELATIONSHIP WITH A BARGAINING UNIT
4 MEMBER, SHALL NOT BE COMPELLED TO DISCLOSE, IN A COURT OR
5 ADMINISTRATIVE ACTION, ARBITRATION, OR PROCEEDING, WHETHER CIVIL OR
6 CRIMINAL, ANY INFORMATION THE AGENT ACQUIRED IN THE COURSE OF HIS
7 OR HER PROFESSIONAL DUTIES OR WHILE ACTING IN HIS OR HER
8 REPRESENTATIVE CAPACITY.

9 (2) AN AGENT OF A LABOR ORGANIZATION MAY DISCLOSE INFORMATION

1 THAT IS PROTECTED UNDER SUBSECTION (1) IN ANY OF THE FOLLOWING
2 CIRCUMSTANCES:

3 (A) TO THE EXTENT THE DISCLOSURE APPEARS NECESSARY TO PREVENT
4 THE COMMISSION OF A CRIME THAT IS LIKELY TO RESULT IN A CLEAR,
5 IMMINENT RISK OF SERIOUS PHYSICAL INJURY OR DEATH OF ANOTHER
6 PERSON.

7 (B) IN A CIVIL ACTION OR CRIMINAL PROCEEDING AGAINST THE AGENT
8 IN HIS OR HER PERSONAL OR OFFICIAL REPRESENTATIVE CAPACITY, THE
9 INTERNATIONAL OR LOCAL LABOR ORGANIZATION, AN AFFILIATED OR
10 SUBORDINATE BODY OF THE INTERNATIONAL OR LOCAL LABOR ORGANIZATION,
11 OR AN AGENT OF ANY OF THOSE ENTITIES IN THE AGENT'S PERSONAL OR
12 OFFICIAL REPRESENTATIVE CAPACITY.

13 (C) IF THE DISCLOSURE IS REQUIRED BY A COURT ORDER.

14 (D) IF, AFTER BEING FULLY INFORMED OF THE CIRCUMSTANCES AND
15 THE RIGHTS PROVIDED BY THIS SECTION, THE BARGAINING UNIT MEMBER OR,
16 IF THE BARGAINING UNIT MEMBER IS DECEASED OR HAS BEEN DETERMINED BY
17 A COURT TO BE LEGALLY INCAPACITATED, THE PERSONAL REPRESENTATIVE,
18 GUARDIAN, OR OTHER APPROPRIATE REPRESENTATIVE CONSENTS IN WRITING
19 OR ORALLY TO THE DISCLOSURE.

20 (3) IF THE APPLICATION OF THIS SECTION WOULD CONFLICT WITH ANY
21 FEDERAL OR STATE LABOR LAW, THIS SECTION IS INAPPLICABLE AND THE
22 FEDERAL OR STATE LABOR LAW CONTROLS.