

# SENATE BILL No. 938

February 14, 2012, Introduced by Senators COLBECK, MEEKHOF, MARLEAU and SCHUITMAKER  
and referred to the Committee on Reforms, Restructuring and Reinventing.

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  
8       interfere with the formation or administration of any labor

organization. ~~÷ Provided, That a public employer shall not be~~  
~~prohibited from permitting~~ **PROHIBITED CONTRIBUTION TO THE**  
**ADMINISTRATION OF A LABOR ORGANIZATION INCLUDES USE OF PUBLIC**  
**EMPLOYER RESOURCES TO ASSIST A LABOR ORGANIZATION IN COLLECTING**  
**DUES OR SERVICE FEES FROM WAGES OF PUBLIC EMPLOYEES. A PUBLIC**  
**EMPLOYER MAY PERMIT** employees to confer with ~~it~~ **A LABOR**  
**ORGANIZATION** during working hours without loss of time or pay. ~~÷~~

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

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

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

(2) It is the purpose of ~~this amendatory act~~ **1973 PA 25** to  
reaffirm the continuing public policy of this state that the  
stability and effectiveness of labor relations in the public sector

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

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

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

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

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

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