

SENATE BILL No. 1260

December 4, 2018, Introduced by Senator MEEKHOF and referred to the Committee on Michigan Competitiveness.

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; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,"

by amending section 14 (MCL 423.214), as amended by 2012 PA 349, and by adding section 12a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 12A. (1) BEGINNING IN 2022, IN EVERY EVEN-NUMBERED YEAR THE COMMISSION SHALL DIRECT AN ELECTION IN AN EXISTING CERTIFIED APPROPRIATE UNIT. ALL OF THE FOLLOWING APPLY TO AN ELECTION HELD UNDER THIS SECTION:

(A) THE ELECTION MUST TAKE PLACE DURING A 7-DAY PERIOD

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1 BEGINNING ON OR AFTER AUGUST 1 AND ENDING ON OR BEFORE NOVEMBER 30.

2 (B) AT LEAST 30 DAYS BEFORE THE ELECTION, THE PUBLIC EMPLOYER
3 SHALL PROVIDE THE COMMISSION AND EXISTING CERTIFIED BARGAINING
4 REPRESENTATIVE WITH AND MAKE PUBLICLY AVAILABLE ON ITS WEBSITE THE
5 NAMES OF THE PUBLIC EMPLOYEES WHO ARE ELIGIBLE TO VOTE IN THE
6 ELECTION. THE EXISTING CERTIFIED BARGAINING REPRESENTATIVE OR A
7 PUBLIC EMPLOYEE IN THE UNIT MAY CHALLENGE THE ELIGIBILITY STATUS OF
8 A PUBLIC EMPLOYEE THAT IS OR IS NOT ON THE LIST.

9 (C) THE COMMISSION SHALL CONDUCT THE ELECTION BY SECRET BALLOT
10 IN PERSON; BY MAIL, TELEPHONE, OR INTERNET; OR BY ANY OTHER MEANS
11 THAT THE COMMISSION DETERMINES TO BE FAIR, CONFIDENTIAL, AND
12 RELIABLE.

13 (D) THE COMMISSION SHALL SUPERVISE THE ELECTION, TALLY THE
14 RESULTS OF THE ELECTION, AND PROVIDE TO THE PUBLIC EMPLOYER AND
15 EXISTING CERTIFIED BARGAINING REPRESENTATIVE AND MAKE PUBLICLY
16 AVAILABLE ON ITS WEBSITE THE FINAL TALLY. THE PUBLIC EMPLOYER, THE
17 EXISTING CERTIFIED BARGAINING REPRESENTATIVE, OR A PUBLIC EMPLOYEE
18 IN THE UNIT MAY CHALLENGE THE RESULTS OF THE ELECTION PURSUANT TO
19 PROCEDURES ESTABLISHED BY THE COMMISSION.

20 (E) THE EXISTING CERTIFIED BARGAINING REPRESENTATIVE SHALL PAY
21 THE COSTS OF THE ELECTION PURSUANT TO A FEE SCHEDULE ESTABLISHED BY
22 THE COMMISSION.

23 (2) IF AN EXISTING CERTIFIED BARGAINING REPRESENTATIVE
24 RECEIVES A MAJORITY OF THE VOTES CAST IN AN ELECTION HELD UNDER
25 THIS SECTION, AND THE MAJORITY REPRESENTS AT LEAST 50% OF THE
26 PUBLIC EMPLOYEES IN THE UNIT, THE EXISTING CERTIFICATION CONTINUES.
27 IF THE CERTIFIED BARGAINING REPRESENTATIVE FAILS TO RECEIVE A

1 MAJORITY VOTE REPRESENTING AT LEAST 50% OF THE EMPLOYEES IN THE
2 UNIT, THE EXISTING CERTIFICATION TERMINATES. IF CERTIFICATION IS
3 TERMINATED, THE TERMS OF THE EXISTING CONTRACT BETWEEN THE
4 EMPLOYEES REPRESENTED BY THE BARGAINING REPRESENTATIVE AND THE
5 EMPLOYER CONTINUES IN EFFECT FOR THE REMAINING CONTRACT TERM EXCEPT
6 FOR ANY PROVISIONS THAT INVOLVE DUTIES OF OR OBLIGATIONS TO THE
7 BARGAINING REPRESENTATIVE INCLUDING, BUT NOT LIMITED TO, UNION
8 SECURITY, DUES AND FEES, AND INVOLVEMENT IN GRIEVANCE AND
9 ARBITRATION PROCEDURES.

10 (3) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019, \$500,000.00
11 IN GENERAL FUND/GENERAL PURPOSE MONEY IS APPROPRIATED FROM THE
12 GENERAL FUND TO THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
13 TO BE EXPENDED TO IMPLEMENT THIS SECTION.

14 Sec. 14. (1) ~~An election~~ **THE COMMISSION** shall not be directed
15 **DIRECT AN ELECTION** in ~~any~~ **A** bargaining unit or ~~any~~ **A** subdivision
16 ~~within which,~~ **OF A BARGAINING UNIT IF**, in the **IMMEDIATELY** preceding
17 12-month period, a valid election **WITH THE SAME OR AN AFFILIATED**
18 **BARGAINING REPRESENTATIVE** was held. The commission shall determine
19 who is eligible to vote in the election and shall promulgate rules
20 governing the election. In an election involving more than 2
21 choices, if none of the choices on the ballot receives a majority
22 vote, a runoff election ~~shall~~ **MUST** be conducted between the 2
23 choices receiving the 2 largest numbers of valid votes cast in the
24 election. ~~An election~~ **SUBJECT TO SECTION 12A, THE COMMISSION** shall
25 not be directed **DIRECT AN ELECTION** in ~~any~~ **A** bargaining unit or
26 subdivision of ~~any~~ **A** bargaining unit if there is in force and
27 effect a valid collective bargaining agreement that was not

1 prematurely extended and that is of fixed duration. A collective
2 bargaining agreement does not bar an election upon the petition of
3 persons not parties to the collective bargaining agreement if more
4 than 3 years have elapsed since the agreement's execution or last
5 timely renewal, whichever was later. **AS USED IN THIS SUBSECTION,**
6 **"AFFILIATED BARGAINING REPRESENTATIVE" MEANS AN ORGANIZATION OF**
7 **WORKERS FORMED TO PROMOTE COLLECTIVE BARGAINING WITH WHICH A**
8 **BARGAINING REPRESENTATIVE IS ALIGNED OR ASSOCIATED BUT IN SUCH A**
9 **WAY THAT THE BARGAINING REPRESENTATIVE'S ALIGNMENT OR ASSOCIATION**
10 **WITH THE ORGANIZATION DOES NOT RESULT IN THE DISSOLUTION OF THE**
11 **BARGAINING REPRESENTATIVE.**

12 (2) ~~An election~~**THE COMMISSION** shall not ~~be directed~~**DIRECT AN**
13 **ELECTION** for, and the commission or a public employer shall not
14 recognize, a bargaining unit of a public employer consisting of
15 individuals who are not public employees. A bargaining unit that is
16 formed or recognized in violation of this subsection is invalid and
17 void.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.