

HOUSE BILL NO. 6531

November 29, 2022, Introduced by Rep. Pepper and referred to the Committee on Elections 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; 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 10 (MCL 423.210), as amended by 2014 PA 414.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) A public employer or an officer or agent of a

1 public employer shall not do any of the following:

2 (a) Interfere with, restrain, or coerce public employees in
3 the exercise of their rights guaranteed in section 9.

4 (b) Initiate, create, dominate, contribute to, or interfere
5 with the formation or administration of any labor organization. A
6 public school employer's use of public school resources to assist a
7 labor organization in collecting dues or service fees from wages of
8 public school employees is a prohibited contribution to the
9 administration of a labor organization. However, a public school
10 employer's collection of dues or service fees pursuant to a
11 collective bargaining agreement that is in effect on March 16, 2012
12 is not prohibited until the agreement expires or is terminated,
13 extended, or renewed. A public employer may permit employees to
14 confer with a labor organization during working hours without loss
15 of time or pay.

16 (c) Discriminate in regard to hire, terms, or other conditions
17 of employment to encourage or discourage membership in a labor
18 organization.

19 (d) Discriminate against a public employee because he or she
20 has given testimony or instituted proceedings under this act.

21 (e) Refuse to bargain collectively with the representatives of
22 its public employees, subject to section 11.

23 **(f) Require a public employee who is a legislative staff**
24 **member to use his or her paid leave to work on any political**
25 **campaign. For purposes of this subdivision, "paid leave" includes,**
26 **but is not limited to, paid vacation days, paid personal days, and**
27 **paid time off.**

28 (2) A labor organization or its agents shall not do any of the
29 following:

1 (a) Restrain or coerce public employees in the exercise of the
2 rights guaranteed in section 9. This subdivision does not impair
3 the right of a labor organization to prescribe its own rules with
4 respect to the acquisition or retention of membership.

5 (b) Restrain or coerce a public employer in the selection of
6 its representatives for the purposes of collective bargaining or
7 the adjustment of grievances.

8 (c) Cause or attempt to cause a public employer to
9 discriminate against a public employee in violation of subsection
10 (1)(c).

11 (d) Refuse to bargain collectively with a public employer ~~7~~
12 ~~provided it~~ **that** is the representative of the public employer's
13 employees, subject to section 11.

14 (3) Except as provided in subsection (4), an individual ~~shall~~
15 **must** not be required as a condition of obtaining or continuing
16 public employment to do any of the following:

17 (a) Refrain or resign from membership in, voluntary
18 affiliation with, or voluntary financial support of a labor
19 organization or bargaining representative.

20 (b) Become or remain a member of a labor organization or
21 bargaining representative.

22 (c) Pay any dues, fees, assessments, or other charges or
23 expenses of any kind or amount, or provide anything of value to a
24 labor organization or bargaining representative.

25 (d) Pay to any charitable organization or third party any
26 amount that is in lieu of, equivalent to, or any portion of dues,
27 fees, assessments, or other charges or expenses required of members
28 of or public employees represented by a labor organization or
29 bargaining representative.

1 (4) ~~The application of subsection~~ **Subsection** (3) is subject to
2 the following:

3 (a) Subsection (3) does not apply to any of the following:

4 (i) A public police or fire department employee or any person
5 who seeks to become employed as a public police or fire department
6 employee as that term is defined under section 2 of 1969 PA 312,
7 MCL 423.232.

8 (ii) A state police trooper or sergeant who is granted rights
9 under section 5 of article XI of the state constitution of 1963 or
10 any individual who seeks to become employed as a state police
11 trooper or sergeant.

12 (b) Any person described in subdivision (a), or a labor
13 organization or bargaining representative representing persons
14 described in subdivision (a) and a public employer or this state
15 may agree that all employees in the bargaining unit shall share
16 fairly in the financial support of the labor organization or their
17 exclusive bargaining representative by paying a fee to the labor
18 organization or exclusive bargaining representative that may be
19 equivalent to the amount of dues uniformly required of members of
20 the labor organization or exclusive bargaining representative.

21 Section 9(2) ~~shall~~ **does** not ~~be construed to~~ interfere with the
22 right of a public employer or this state and a labor organization
23 or bargaining representative to enter into or lawfully administer
24 such an agreement as it relates to the employees or persons
25 described in subdivision (a).

26 (c) If any of the exclusions in subdivision (a) (i) or (ii) are
27 found to be invalid by a court, the following apply:

28 (i) The individuals described in the exclusion found to be
29 invalid ~~shall~~ **are** no longer ~~be~~ excepted from the application of

1 subsection (3).

2 (ii) Subdivision (b) does not apply to individuals described in
3 the invalid exclusion.

4 (5) An agreement, contract, understanding, or practice between
5 or involving a public employer, labor organization, or bargaining
6 representative that violates subsection (3) is unlawful and
7 unenforceable. This subsection applies only to an agreement,
8 contract, understanding, or practice that takes effect or is
9 extended or renewed after March 28, 2013.

10 (6) The court of appeals has exclusive original jurisdiction
11 over any action challenging the validity of subsection (3), (4), or
12 (5). The court of appeals shall hear the action in an expedited
13 manner.

14 (7) For fiscal year 2012-2013, \$1,000,000.00 is appropriated
15 to the department of licensing and regulatory affairs to be
16 expended to do all of the following regarding 2012 PA 349:

17 (a) Respond to public inquiries regarding 2012 PA 349.

18 (b) Provide the commission with sufficient staff and other
19 resources to implement 2012 PA 349.

20 (c) Inform public employers, public employees, and labor
21 organizations concerning their rights and responsibilities under
22 2012 PA 349.

23 (d) Any other purposes that the director of the department of
24 licensing and regulatory affairs determines in his or her
25 discretion are necessary to implement 2012 PA 349.

26 (8) A person, public employer, or labor organization that
27 violates subsection (3) is liable for a civil fine of not more than
28 \$500.00. A civil fine recovered under this section ~~shall~~**must** be
29 submitted to the state treasurer for deposit in the general fund of

1 this state.

2 (9) By July 1 of each year, each exclusive bargaining
3 representative that represents public employees in this state shall
4 have an independent examiner verify the exclusive bargaining
5 representative's calculation of all expenditures attributed to the
6 costs of collective bargaining, contract administration, and
7 grievance adjustment during the prior calendar year and shall file
8 that verification with the commission. The commission shall make
9 the exclusive bargaining representative's calculations available to
10 the public on the commission's website. The exclusive bargaining
11 representative shall also file a declaration identifying the local
12 bargaining units that are represented. Local bargaining units
13 identified in the declaration filed by the exclusive bargaining
14 representative are not required to file a separate calculation of
15 all expenditures attributed to the costs of collective bargaining,
16 contract administration, and grievance adjustment. For fiscal year
17 2011-2012, \$100,000.00 is appropriated to the commission for the
18 costs of implementing this subsection. For fiscal year 2014-2015,
19 \$100,000.00 is appropriated to the commission for the costs of
20 implementing this subsection.

21 (10) Except for actions ~~required to be brought under~~ **described**
22 **in** subsection (6), a person who suffers an injury as a result of a
23 violation or threatened violation of subsection (3) may bring a
24 civil action for damages, injunctive relief, or both. In addition,
25 a court shall award court costs and reasonable attorney fees to a
26 plaintiff who prevails in an action brought under this subsection.
27 Remedies provided in this subsection are independent of and in
28 addition to other penalties and remedies prescribed by this act.