

# HOUSE BILL NO. 4452

May 06, 2025, Introduced by Reps. Steckloff, Glanville, Brixie, Andrews, Weiss, Martus, Hope, Rogers, Xiong, Rheingans, Tsernoglou, B. Carter, Foreman, Neeley, MacDonell, Wooden, Young, Pohutsky, Mentzer, Conlin, Skaggs, Wegela, McKinney, Longjohn, Byrnes, Wilson, Dievendorf, McFall, Myers-Phillips, Paiz, Price, T. Carter, Snyder, Breen and Tate and referred to Committee on Economic Competitiveness.

A bill to amend 1939 PA 176, entitled

"An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; to make appropriations; and to prescribe means of enforcement and penalties for violations of this act,"

by amending section 23 (MCL 423.23) and by adding section 18.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**Sec. 18. An employer shall not relocate, cease, or subcontract its operations or part of its operations less than 1 year after its employees elect a bargaining representative.**

Sec. 23. (1) Rulings or orders promulgated by the commission ~~shall be~~**are** reviewable only by the supreme court and on petition for writ of certiorari or such other process as may be appropriate, except as provided in this section.

(2) Violations of ~~the provisions of~~ sections 16, 17a, **18**, and 22(a) of this act only, ~~shall be~~**are** deemed to be unfair labor practices remediable by the commission in the following manner:

(a) When it is charged that any person has engaged in or is engaging in any such unfair labor practice, the commission, or any agent designated by the commission for such purposes, may issue and cause to be served upon the person a complaint stating the charges in that respect, and containing a notice of hearing before the commission or a commissioner, or before a designated agent, at a place therein fixed, not less than 5 days after the serving of the complaint. ~~No~~**A** complaint ~~shall issue~~**must not be issued** based ~~upon~~**on** any unfair labor practice occurring more than 6 months ~~prior to~~**before** the filing of the charge with the commission and the service of a copy thereof upon the person against whom the charge is made, unless the person aggrieved thereby was prevented from filing the charge by reason of service in the armed forces, in which event the 6-month period ~~shall~~**must** be computed from the day of ~~his~~**the person's** discharge. Any complaint may be amended by the commissioner or agent conducting the hearing or the commission, at any time ~~prior to~~**before** the issuance of an order based thereon.

1 The person upon whom the complaint is served may file an answer to  
 2 the original or amended complaint and appear in person or otherwise  
 3 and give testimony at the place and time fixed in the complaint. In  
 4 the discretion of the commissioner or agent conducting the hearing  
 5 or the commission, any other person may be allowed to intervene in  
 6 the proceeding and to present testimony. Any proceeding ~~shall~~**must**  
 7 be conducted ~~pursuant to~~**in accordance with** chapter 4 of Act No.  
 8 ~~306 of the Public Acts of 1969, as amended, being sections 24.271~~  
 9 ~~to 24.287 of the Michigan Compiled Laws.~~**the administrative**  
 10 **procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.288.**

11 (b) The testimony taken by the commissioner, agent or the  
 12 commission ~~shall~~**must** be reduced to writing and filed with the  
 13 commission. Thereafter the commission upon notice may take further  
 14 testimony or hear argument. If upon the preponderance of the  
 15 testimony taken the commission is of the opinion that any person  
 16 named in the complaint has engaged in or is engaging in the unfair  
 17 labor practice, then it shall state its findings of fact and shall  
 18 issue and cause to be served on such person an order requiring that  
 19 person to cease and desist from the unfair labor practice, and to  
 20 take such affirmative action including reinstatement of employees  
 21 with or without back pay, as will effectuate the policies of this  
 22 act. The order may further require the person to make reports from  
 23 time to time showing the extent to which that person has complied  
 24 with the order. If, upon the preponderance of the testimony taken  
 25 the commission is not of the opinion that the person named in the  
 26 complaint has engaged in or is engaging in the unfair labor  
 27 practice, then the commission shall state its findings of fact and  
 28 shall issue an order dismissing the complaint. ~~No~~**An** order of the  
 29 commission ~~shall~~**must not** require the reinstatement of any

1 individual as an employee who has been suspended or discharged, or  
2 the payment to ~~him~~**the individual** of any back pay, if the  
3 individual was suspended or discharged for cause. If the evidence  
4 is presented before a commissioner, or before examiners thereof,  
5 the commissioner, or examiners shall issue and cause to be served  
6 on the parties to the proceeding a proposed report, together with a  
7 recommended order, which ~~shall~~**must** be filed with the commission,  
8 and if exceptions are not filed ~~within~~**or earlier** 20 days after  
9 service thereof upon the parties, or within such further period as  
10 the commission may authorize, the recommended order ~~shall become~~  
11 **becomes** the order of the commission and become effective as  
12 prescribed in the order.

13 (c) Until the record in a case has been filed in a court, the  
14 commission at any time, upon reasonable notice and in such manner  
15 as it deems proper, may modify or set aside, in whole or in part,  
16 any finding or order made or issued by it.

17 (d) The commission or any prevailing party may petition the  
18 court of appeals for the enforcement of the order and for  
19 appropriate temporary relief or restraining order, and shall file  
20 in the court the record in the proceedings. Upon the filing of the  
21 petition, the court shall cause notice thereof to be served upon  
22 the person, and thereupon shall have jurisdiction of the proceeding  
23 and shall summarily grant such temporary or permanent relief or  
24 restraining order as it deems just and proper, enforcing,  
25 modifying, enforcing as so modified, or setting aside in whole or  
26 in part the order of the commission. ~~No~~**An** objection that has not  
27 been urged before the commission, its commissioner or agent, ~~shall~~  
28 **must not** be considered by the court, unless the failure or neglect  
29 to urge the objection is excused because of extraordinary

1 circumstances. The findings of the commission with respect to  
2 questions of fact if supported by competent, material, and  
3 substantial evidence on the record considered as a whole ~~shall be~~  
4 **is** conclusive. If either party applies to the court for leave to  
5 present additional evidence and shows to the satisfaction of the  
6 court that the additional evidence is material and that there were  
7 reasonable grounds for the failure to present it in the hearing  
8 before the commission, its commissioner or agent, the court may  
9 order the additional evidence to be taken before the commission,  
10 its commissioner or agent, and to be made a part of the record. The  
11 commission may modify its findings as to the facts, or make new  
12 findings, by reason of additional evidence so taken and filed, and  
13 it shall file the modifying or new findings, which findings with  
14 respect to questions of fact if supported by competent, material,  
15 and substantial evidence on the record considered as a whole ~~shall~~  
16 ~~be~~**is** conclusive, and shall file its recommendations, if any, for  
17 the modification or setting aside of its original order. Upon the  
18 filing of the record with it the jurisdiction of the court ~~shall be~~  
19 **is** exclusive and its judgment and decree ~~shall be~~**is** final, except  
20 that the same ~~shall be~~**is** subject to review by the supreme court in  
21 accordance with the general court rules.

22 (e) Any party aggrieved by a final order of the commission  
23 granting or denying in whole or in part the relief sought may  
24 ~~within not later than~~ 20 days ~~of~~**after** such order as a matter of  
25 right obtain a review of the order in the court of appeals by  
26 filing in the court a petition praying that the order of the  
27 commission be modified or set aside, with copy of the petition  
28 filed on the commission, and thereupon the aggrieved party shall  
29 file in the court the record in the proceeding, certified by the

1 commission. Upon the timely filing of the petition, the court shall  
2 proceed in the same manner as in the case of an application by the  
3 commission under subsection (d), and shall summarily grant to the  
4 commission or to any prevailing party such temporary relief or  
5 restraining order as it deems just and proper, enforcing,  
6 modifying, enforcing as so modified, or setting aside in whole or  
7 in part the order of the commission. The findings of the commission  
8 with respect to questions of fact if supported by competent,  
9 material, and substantial evidence on the record considered as a  
10 whole ~~shall be~~ **are** conclusive. If a timely petition for review is  
11 not filed under this subdivision by an aggrieved party, it ~~shall be~~  
12 **is** conclusively presumed that the commission's order is supported  
13 by competent, material and substantial evidence on the record  
14 considered as a whole, and the commission or any prevailing party  
15 ~~shall be~~ **is** entitled, upon application therefor, to a summary order  
16 enforcing the commission's order.

17 (f) The commencement of proceedings under subdivision (d) or  
18 (e), ~~shall~~ **must** not, unless specifically ordered by the court,  
19 operate as a stay of the commission's order.

20 (g) Petitions filed under subdivisions (d) and (e) ~~shall~~ **must**  
21 be heard expeditiously by the courts to which presented, and for  
22 good cause shown ~~shall~~ **must** take precedence over all other civil  
23 matters except earlier matters of the same character.

24 (h) The commission ~~and/or~~ **or** any charging party ~~shall have~~ **has**  
25 power, upon issuance of complaint as provided in subdivision (a)  
26 charging that any person has engaged in or is engaging in an unfair  
27 labor practice, ~~shall have~~ **has** power to petition any circuit court  
28 within any circuit where the unfair labor practice in question is  
29 alleged to have occurred or where the person resides or transacts

1 business, for appropriate temporary relief or restraining order, in  
2 accordance with the general court rules, and the court ~~shall have~~  
3 **has** jurisdiction to grant to the commission ~~and/or or~~ any charging  
4 party such temporary relief or restraining order as it deems just  
5 and proper.

6 (i) For the purpose of all hearings and investigations, which,  
7 in the opinion of the commission, are necessary and proper for the  
8 exercise of the powers vested in it under this section, the  
9 provisions of section 11 ~~shall be~~ **are** applicable, except that  
10 subpoenas may issue as provided in section 11 without regard to  
11 whether mediation shall have been undertaken.

12 (j) The labor relations and mediation functions of this act  
13 ~~shall~~ **must** be separately administered by the commission.