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BILL ANALYSIS

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Senate Bill 505

Sponsor: Senator John Cherry

Committee: Human Resources and Senior Citizens

Date Completed: 9-8-88

SUMMARY OF SENATE BILL 505 as introduced 10-20-87:

The bill would amend Public Act 336 of 1947, which currently prohibits public employees from striking, to allow certain public employees to strike under certain conditions, require that notice be given of impending strikes and lockouts, and provide for the validity of a collective bargaining agreement that is extended beyond its expiration date.

Strikes

The bill would allow all public employees to strike, with the exception of State Police troopers and sergeants and employees of municipal police and fire departments, and would prohibit a person from being discharged or separated from his or her employment because of his or her participation in a strike held under the bill. Further, the bill would prohibit the courts from enjoining legal strikes by public employees. If, however, after a hearing the court found that the strike was causing irreparable harm to the public health and safety, it could declare the strike illegal and suggest conditions under which the public health and safety would not be irreparably harmed.

The bill also would remove language specifying the conditions under which an employee is considered to be "on strike". The bill specifies that a decision as to whether a public employee had participated in a strike in violation of the Act would have to be made within 10 days after the conclusion of the proceeding at which the determination of a violation was made. (The Act currently states just that the decision must be made within 10 days.)

Collective Bargaining

The bill specifies that if a labor organization were the exclusive representative of employees in a bargaining unit, neither the organization nor its agents could refuse to bargain collectively in good faith with an employer.

In addition, the bill provides that a collective bargaining agreement that was extended by joint agreement of the parties after its expiration date on

a day-to-day or other basis while the parties were in the process of collective bargaining would have to be treated as a valid collective bargaining agreement for the period of the extensions, up to 60 days after the expiration date of the agreement.

Strike/Lockout Notice

Under the bill, if the parties were not able to settle a labor dispute, the employees or their representatives, in the case of an impending strike, or the employer or agent, in the case of an impending lockout, would have to serve notice of the dispute and a statement of the issues involved to the Commission and the other party at least 15 days before the strike or lockout was to occur. The notice could be served personally on a member of the Commission or the other party or sent by certified mail to a regularly established office of the Commission or to the address of the other party or the party's representative. If there were an existing collective bargaining agreement, the notice could not be served earlier than 15 days before expiration of the agreement. These notice requirements would not apply to unfair labor practice strikes.

MCL 432.202 et al.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local governments. It is difficult to assess the fiscal impact of public service strikes. The associated costs of work stoppages and walkouts vary according to the type of work normally performed and the availability and price of alternative service providers.

Fiscal Analyst: K. Lindquist

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.