

HOUSE BILL No. 5011

June 27, 1991, Introduced by Reps. Clack, Murphy, Perry Bullard, Bennane, Jonker and Scott and referred to the Committee on Labor.

A bill to amend section 10 of Act No. 336 of the Public Acts of 1947, entitled as amended

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

being section 423.210 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10 of Act No. 336 of the Public Acts of
2 1947, being section 423.210 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 10. (1) ~~It shall be unlawful for a~~ A public employer
5 or an officer or agent of a public employer SHALL NOT DO ANY OF
6 THE FOLLOWING:

1 (a) ~~to interfere~~ INTERFERE with, restrain, or coerce
2 public employees in the exercise of their rights guaranteed in
3 section 9. ~~—~~

4 (b) ~~to initiate~~ INITIATE, create, dominate, contribute to,
5 or interfere with the formation or administration of any labor
6 organization. ~~—: Provided, That~~ THIS SUBDIVISION DOES NOT
7 PROHIBIT a public employer ~~shall not be prohibited~~ from permit-
8 ting employees to confer with it during working hours without
9 loss of time or pay. ~~—~~

10 (c) ~~to discriminate~~ DISCRIMINATE in regard to ~~hire,~~
11 HIRING OR terms or ~~other~~ conditions of employment in order to
12 encourage or discourage membership in a labor organization. ~~—~~
13 ~~Provided further, That nothing in this act or in any law of this~~
14 ~~state shall preclude~~ THIS SUBDIVISION DOES NOT PROHIBIT a public
15 employer from ~~making~~ ENTERING INTO an agreement with an exclu-
16 sive bargaining representative as defined in section 11 to
17 require as a condition of employment that all employees in the
18 bargaining unit pay to the exclusive bargaining representative a
19 service fee equivalent to the amount of dues uniformly required
20 of members of the exclusive bargaining representative. ~~—~~

21 (d) ~~to discriminate~~ DISCRIMINATE against a public employee
22 because he OR SHE has given testimony or instituted proceedings
23 under this act. ~~—; or—~~

24 (e) ~~to refuse~~ REFUSE to bargain collectively with ~~the~~
25 ~~representatives~~ A REPRESENTATIVE of its public employees,
26 subject to ~~the provisions of~~ section 11.

1 (F) OFFER OR GRANT THE STATUS OF A PERMANENT REPLACEMENT
2 EMPLOYEE TO AN INDIVIDUAL FOR PERFORMING BARGAINING UNIT WORK FOR
3 THE PUBLIC EMPLOYER DURING A LABOR DISPUTE, OR OTHERWISE OFFER OR
4 GRANT AN INDIVIDUAL ANY EMPLOYMENT PREFERENCE BASED ON THE FACT
5 THAT THE INDIVIDUAL WAS EMPLOYED OR INDICATED A WILLINGNESS TO BE
6 EMPLOYED DURING A LABOR DISPUTE OVER AN INDIVIDUAL WHO:

7 (i) WAS AN EMPLOYEE OF THE PUBLIC EMPLOYER AT THE COMMENCE-
8 MENT OF THE LABOR DISPUTE.

9 (ii) HAS EXERCISED THE RIGHT TO JOIN, ASSIST, OR ENGAGE IN
10 OTHER CONCERTED ACTIVITIES FOR THE PURPOSE OF COLLECTIVE BARGAIN-
11 ING OR OTHER MUTUAL AID OR PROTECTION THROUGH THE LABOR ORGANI-
12 ZATION INVOLVED IN THE LABOR DISPUTE.

13 (iii) IS WORKING FOR, OR HAS UNCONDITIONALLY OFFERED TO
14 RETURN TO WORK FOR, THE PUBLIC EMPLOYER.

15 (2) It is the ~~purpose of this amendatory act to reaffirm~~
16 ~~the continuing~~ public policy of this state that the stability
17 and effectiveness of labor relations in the public sector
18 require, if ~~such~~ THE requirement is negotiated with the public
19 employer, that all employees in the bargaining unit ~~shall~~ share
20 fairly in the financial support of their exclusive bargaining
21 representative by paying to the exclusive bargaining representa-
22 tive a service fee which may be equivalent to the amount of dues
23 uniformly required of members of the exclusive bargaining
24 representative.

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

1 (a) ~~to restrain~~ RESTRAIN or coerce:

2 (i) ~~public~~ PUBLIC employees in the exercise of ~~the~~ THEIR
3 rights guaranteed in section 9. ~~Provided, That this~~ THIS
4 subdivision ~~shall~~ DOES not impair the right of a labor organi-
5 zation to prescribe its own rules with respect to the acquisition
6 or retention of membership ~~therein, or~~ IN THE LABOR
7 ORGANIZATION.

8 (ii) ~~a~~ A public employer in the selection of its represen-
9 tatives for the ~~purposes~~ PURPOSE of collective bargaining or
10 the adjustment of grievances. ~~—~~

11 (b) ~~to cause~~ CAUSE or attempt to cause a public employer
12 to discriminate against a public employee in violation of
13 ~~subdivision (c) of~~ subsection ~~(1), or~~ (1)(C).

14 (c) ~~to refuse~~ REFUSE to bargain collectively with a public
15 employer ~~, provided it~~ IF THE LABOR ORGANIZATION is the repre-
16 sentative of the public employer's employees, subject to section
17 11.