



HOUSE BILL No. 5127

October 14, 1993, Introduced by Reps. DeLange, Horton, Bandstra, Dalman, Dobb, Munsell, Stille and Walberg and referred to the Committee on Labor.

A bill to amend section 13 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 423.213 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 13 of Act No. 336 of the Public Acts of
2 1947, being section 423.213 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 13. (1) ~~The commission shall decide in each case~~
5 SUBJECT TO SUBSECTIONS (2) AND (3), to ~~insure~~ ENSURE public
6 employees the full benefit of their ~~right~~ RIGHTS to
7 self-organization ~~—~~ AND to collective bargaining and otherwise

1 to effectuate the policies of this act, THE COMMISSION SHALL
 2 DECIDE IN EACH CASE the unit appropriate for the purposes of col-
 3 lective bargaining as provided in section 9e of Act No. 176 of
 4 the Public Acts of 1939, as amended, being section 423.9e of the
 5 Michigan Compiled Laws. ~~Provided, That in~~

6 (2) IN any fire department, or any department in whole or
 7 part engaged in, or having the responsibility of, fire fighting,
 8 ~~no~~ A person subordinate to a fire commission, fire commission-
 9 er, safety director, or other similar administrative agency or
 10 administrator ~~shall~~ shall NOT be ~~deemed~~ CONSIDERED to be a
 11 supervisor.

12 (3) FOR EMPLOYEES EMPLOYED BY A CHARTER PUBLIC SCHOOL OR
 13 EMPLOYED BY ANOTHER ENTITY AND PROVIDING INSTRUCTIONAL SERVICES
 14 IN A CHARTER PUBLIC SCHOOL, THE UNIT FOR THE PURPOSES OF COLLEC-
 15 TIVE BARGAINING UNDER THIS ACT SHALL NOT INCLUDE ANY EMPLOYEES
 16 OTHER THAN THE EMPLOYEES EMPLOYED BY OR PROVIDING SERVICE IN THAT
 17 CHARTER PUBLIC SCHOOL. THE COMMISSION SHALL NOT ACCRETE, CONSOL-
 18 IDATE, ATTACH, JOIN, OR OTHERWISE COMBINE EMPLOYEES OF OR POSI-
 19 TIONS IN A CHARTER PUBLIC SCHOOL WITH ANY OTHER UNIT FOR THE PUR-
 20 POSES OF COLLECTIVE BARGAINING. AS USED IN THIS SUBSECTION,
 21 "CHARTER PUBLIC SCHOOL" MEANS A CHARTER PUBLIC SCHOOL ESTABLISHED
 22 UNDER PART 6A OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE
 23 PUBLIC ACTS OF 1976, BEING SECTIONS 380.501 TO 380.510 OF THE
 24 MICHIGAN COMPILED LAWS.

25 Section 2. This amendatory act shall not take effect unless
 26 Senate Bill No. _____ or House Bill No. 5124 (request
 27 no. 05115'93) of the 87th Legislature is enacted into law.