



HOUSE BILL No. 5217

November 18, 1993, Introduced by Rep. Jaye and referred to the Committee on Labor.

A bill to amend section 2 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 423.202 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 336 of the Public Acts of
2 1947, being section 423.202 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2. (1) ~~NO~~ AS USED IN THIS ACT, "PUBLIC EMPLOYEE"
5 MEANS A person holding a position by appointment or employment in
6 the government of ~~the~~ THIS state, ~~of Michigan, or~~ in the
7 government of any 1 or more of the political subdivisions

1 ~~thereof, or~~ OF THIS STATE, in the public school service, or in
2 any public or special district, or in the service of any authori-
3 ty, commission, or board, or in any other branch of the public
4 service. ~~, hereinafter called a "public employee,"~~

5 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PUBLIC EMPLOYEE
6 shall NOT strike.

7 (3) A PERSON EMPLOYED AS A TEACHER IN A SCHOOL DISTRICT MAY
8 STRIKE. IF A PERSON EMPLOYED AS A TEACHER IN A SCHOOL DISTRICT
9 PARTICIPATES IN A TEACHER STRIKE IN THE SCHOOL DISTRICT OCCURRING
10 ON OR AFTER THE SCHEDULED STARTING DATE FOR THE SCHOOL YEAR, AS
11 SCHEDULED BY THE BOARD OF THE SCHOOL DISTRICT UNDER SECTION 1284
12 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE PUBLIC ACTS OF
13 1976, BEING SECTION 380.1284 OF THE MICHIGAN COMPILED LAWS, THE
14 TEACHER SHALL FORFEIT, AND THE SCHOOL DISTRICT SHALL WITHHOLD,
15 1/180 OF THE PERSON'S ANNUAL SALARY FOR EACH DAY OF PUPIL
16 INSTRUCTION DURING WHICH THE STRIKE OCCURS. SALARY FORFEITED AND
17 WITHHELD UNDER THIS SUBSECTION IS NOT WAGES EARNED BY THE PERSON
18 FOR THE PURPOSES OF ANY STATE LAW. A SCHOOL DISTRICT SHALL NOT
19 LENGTHEN OR OTHERWISE ALTER ITS SCHEDULED SCHOOL YEAR IN A MANNER
20 THAT WOULD ALLOW A PERSON TO RECOVER ANY PART OF THE SALARY FOR-
21 FEITED AND WITHHELD UNDER THIS SUBSECTION. NOTWITHSTANDING THE
22 COLLECTIVE BARGAINING RIGHTS OF SCHOOL DISTRICT EMPLOYEES UNDER
23 THIS ACT, AN EMPLOYMENT CONTRACT OR COLLECTIVE BARGAINING AGREE-
24 MENT COVERING THE PERSON SHALL NOT PROVIDE FOR REIMBURSEMENT,
25 EITHER DIRECTLY OR INDIRECTLY, OF ANY PART OF THE SALARY FOR-
26 FEITED AND WITHHELD UNDER THIS SUBSECTION. AS USED IN THIS
27 SUBSECTION, "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT OR LOCAL