



HOUSE BILL No. 5624

June 8 1994, Introduced by Reps Anthony Weeks Martinez and DeMars and referred to the Committee on Labor

A bill to amend the title and sections 1, 2 3 and 10 of Act No 312 of the Public Acts of 1969, entitled

An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments to define such public departments to provide for the selection of members of arbitration panels to prescribe the procedures and authority thereof and to provide for the enforcement and review of awards thereof

being sections 423 231, 423 232 423 233 and 423 240 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 1 2 3 and 10 of Act
2 No 312 of the Public Acts of 1969, being sections 423 231
3 423 232 423 233, and 423 240 of the Michigan Compiled Laws are
4 amended to read as follows

TITLE

1
2 An act to provide for compulsory arbitration of labor dis-
3 putes in municipal police and fire departments AND THE PUBLIC
4 SCHOOLS ~~to define such public departments~~ to provide for the
5 selection of members of arbitration panels to prescribe the pro-
6 cedures and authority ~~thereof~~ OF ARBITRATION PANELS and to
7 provide for the enforcement and review of ARBITRATION awards
8 ~~thereof~~

9 Sec 1 It is the public policy of this state that in
10 public police and fire departments AND IN THE PUBLIC SCHOOLS
11 ~~where~~ IN WHICH the right of employees to strike is by law pro-
12 hibited it is requisite to the high morale of ~~such~~ THOSE
13 employees and the efficient operation of ~~such~~ POLICE AND FIRE
14 departments AND SCHOOLS to afford an alternate expeditious
15 effective and binding procedure for the resolution of disputes
16 and to that end the provisions of this act, providing for compul-
17 sory arbitration, shall be liberally construed

18 Sec 2 ~~(1) Public police and fire departments means any~~
19 ~~department of a city county, village, or township having employ-~~
20 ~~ees engaged as policemen, or in fire fighting or subject to the~~
21 ~~hazards thereof, emergency medical service personnel employed by~~
22 ~~a police or fire department, or an emergency telephone operator~~
23 ~~employed by a police or fire department~~ AS USED IN THIS ACT

24 (A) ~~(2) Emergency medical service personnel for purposes of~~
25 ~~this act includes a person who provides~~ EMERGENCY MEDICAL SERV-
26 ICE PERSONNEL MEANS EMPLOYEES WHO PROVIDE assistance at
27 dispatched or observed medical emergencies occurring outside a

1 recognized medical facility including instances of heart attack
2 stroke injury accidents, electrical accidents drug overdoses
3 imminent childbirth, and other instances ~~where~~ IN WHICH there
4 is the possibility of death or further injury ~~initiates~~
5 INITIATE stabilizing treatment or transportation of injured from
6 the emergency site and ~~notifies~~ NOTIFY police or interested
7 departments of certain situations encountered including criminal
8 matters poisonings and the report of contagious diseases
9 Emergency ~~telephone operator for the purpose of this act~~
10 ~~includes~~ MEDICAL SERVICE PERSONNEL DOES NOT INCLUDE A PERSON WHO
11 IS EMPLOYED BY A PRIVATE EMERGENCY MEDICAL SERVICE WORKING UNDER
12 A CONTRACT WITH A GOVERNMENTAL UNIT OR A PERSON WHO WORKS IN AN
13 EMERGENCY SERVICE ORGANIZATION WHOSE DUTIES ARE SOLELY OF AN
14 ADMINISTRATIVE OR SUPPORTING NATURE AND WHO DOES NOT OTHERWISE
15 MEET THE REQUIREMENTS OF THIS SUBDIVISION

16 (B) EMERGENCY TELEPHONE OPERATOR MEANS a person employed
17 by a police or fire department for the purpose of relaying emer-
18 gency calls to police fire or emergency medical service
19 personnel

20 ~~(3) This act shall not apply to persons employed by a pri-~~
21 ~~vate emergency medical service company who work under a contract~~
22 ~~with a governmental unit or personnel working in an emergency~~
23 ~~service organization whose duties are solely of an administrative~~
24 ~~or supporting nature and who are not otherwise qualified under~~
25 ~~subsection (2)~~

26 (C) INTERMEDIATE SCHOOL DISTRICT MEANS THAT TERM AS
27 DEFINED IN SECTION 4 OF THE SCHOOL CODE OF 1976 ACT NO 451 OF

1 THE PUBLIC ACTS OF 1976, BEING SECTION 380 4 OF THE MICHIGAN
2 COMPILED LAWS

3 (D) PUBLIC POLICE AND FIRE DEPARTMENTS MEANS ANY DEPART-
4 MENT OF A CITY, COUNTY, VILLAGE, OR TOWNSHIP THAT HAS EMPLOYEES
5 ENGAGED AS POLICE OFFICERS OR FIRE FIGHTERS OR HAS EMPLOYEES WHO
6 ARE SUBJECT TO THE HAZARDS OF FIRE FIGHTING EMERGENCY MEDICAL
7 SERVICE PERSONNEL AND EMERGENCY TELEPHONE OPERATORS EMPLOYED BY A
8 POLICE OR FIRE DEPARTMENT ARE CONSIDERED EMPLOYEES OF POLICE AND
9 FIRE DEPARTMENTS WHO ARE SUBJECT TO THIS ACT

10 (E) PUBLIC SCHOOL" MEANS A SCHOOL DISTRICT, INTERMEDIATE
11 SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY, OR A JOINT ENDEAVOR OR
12 CONSORTIUM CONSISTING OF ANY COMBINATION OF SCHOOL DISTRICTS
13 INTERMEDIATE SCHOOL DISTRICTS OR PUBLIC SCHOOL ACADEMIES

14 (F) PUBLIC SCHOOL ACADEMY MEANS A PUBLIC SCHOOL ACADEMY
15 ORGANIZED UNDER PART 6A OF ACT NO 451 OF THE PUBLIC ACTS OF
16 1976 BEING SECTIONS 380 501 TO 380 507 OF THE MICHIGAN COMPILED
17 LAWS

18 (G) SCHOOL DISTRICT MEANS THAT TERM AS DEFINED IN SECTION
19 6 OF ACT NO 451 OF THE PUBLIC ACTS OF 1976 BEING SECTION 380 6
20 OF THE MICHIGAN COMPILED LAWS OR A LOCAL ACT SCHOOL DISTRICT AS
21 DEFINED IN SECTION 5 OF ACT NO 451 OF THE PUBLIC ACTS OF 1976
22 BEING SECTION 380 5 OF THE MICHIGAN COMPILED LAWS

23 Sec 3 ~~Whenever~~ IF in the course of mediation of A DIS-
24 PUTE OTHER THAN A GRIEVANCE DISPUTE, BETWEEN a public police or
25 fire department ~~employee's dispute, except a dispute concerning~~
26 ~~the interpretation or application of an existing agreement (a~~
27 ~~"grievance" dispute)~~ OR BETWEEN A PUBLIC SCHOOL AND ITS

1 EMPLOYEES the dispute has not been resolved to the agreement of
 2 both parties within 30 days ~~of~~ AFTER the submission of the dis-
 3 pute to mediation, or within ~~such further~~ additional periods to
 4 which the parties may agree, the employees or employer may initi-
 5 ate binding arbitration proceedings UNDER THIS ACT by ~~prompt~~
 6 MAKING A WRITTEN request ~~therefor, in writing,~~ to the other —
 7 ~~with~~ PARTY AND PROVIDING A copy to the employment relations
 8 commission AS USED IN THIS SECTION GRIEVANCE DISPUTE MLANS A
 9 DISPUTE CONCERNING THE INTERPRETATION OR APPLICATION OF AN EXIST-
 10 ING AGREEMENT

11 Sec 10 A majority decision of the arbitration panel if
 12 supported by competent material and substantial evidence on the
 13 whole record, ~~shall be~~ IS final and binding upon the parties
 14 and may be enforced ~~, at the instance of~~ BY either party or
 15 ~~of~~ BY the arbitration panel in the circuit court for the county
 16 in which the dispute arose or in which a majority of the affected
 17 employees reside The commencement of a new municipal OR SCHOOL
 18 fiscal year after the initiation of arbitration procedures under
 19 this act but before the arbitration decision — or ~~its~~
 20 enforcement OF THE ARBITRATION DECISION ~~shall~~ DOES not ~~be~~
 21 ~~deemed to~~ render a dispute moot ~~, or to otherwise~~ impair the
 22 jurisdiction or authority of the arbitration panel or its
 23 decision Increases in rates of compensation or other benefits
 24 may be awarded retroactively to the commencement of any
 25 ~~period(s)~~ PERIOD OR PERIODS in dispute NOTWITHSTANDING any
 26 other statute or charter provisions to the contrary
 27 ~~notwithstanding At any time the~~ THE parties — by

1 ~~stipulation~~ may STIPULATE TO amend or modify an award of
2 arbitration AT ANY TIME