



# SENATE BILL No. 121

January 13, 1993, Introduced by Senator DI NELLO 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~~ AND conditions of employment in order  
12 to encourage or discourage membership in a labor organization.  
13 ~~+~~ ~~Provided further, That nothing in this act or in any law of~~  
14 ~~this state shall preclude a public employer from making an agree-~~  
15 ~~ment with an exclusive bargaining representative as defined in~~  
16 ~~section 11 to require as a condition of employment that all~~  
17 ~~employees in the bargaining unit pay to the exclusive bargaining~~  
18 ~~representative a service fee equivalent to the amount of dues~~  
19 ~~uniformly required of members of the exclusive bargaining~~  
20 ~~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 rep-  
25 resentatives of its public employees, subject to ~~the provisions~~  
26 ~~of~~ section 11.

1     ~~(2) It is the purpose of this amendatory act to reaffirm~~  
 2 ~~the continuing public policy of this state that the stability and~~  
 3 ~~effectiveness of labor relations in the public sector require, if~~  
 4 ~~such requirement is negotiated with the public employer, that all~~  
 5 ~~employees in the bargaining unit shall share fairly in the finan-~~  
 6 ~~cial support of their exclusive bargaining representative by~~  
 7 ~~paying to the exclusive bargaining representative a service fee~~  
 8 ~~which may be equivalent to the amount of dues uniformly required~~  
 9 ~~of members of the exclusive bargaining representative.~~

10     (2) ~~(3) It shall be unlawful for a~~ A labor organization or  
 11 its agents SHALL NOT DO ANY OF THE FOLLOWING:

12     (a) ~~to restrain~~ RESTRAIN or coerce: ~~(i) public~~

13     (i) PUBLIC employees in the exercise of ~~the~~ THEIR rights  
 14 guaranteed in section 9. ~~Provided, That this subdivision~~  
 15 ~~shall~~ THIS SUBPARAGRAPH DOES not impair the right of a labor  
 16 organization to prescribe its own rules with respect to the  
 17 acquisition or retention of membership ~~therein, or (ii) a~~ IN  
 18 THE ORGANIZATION.

19     (ii) A public employer in the selection of its representa-  
 20 tives for the ~~purposes~~ PURPOSE of collective bargaining or the  
 21 adjustment of grievances. ~~+~~

22     (b) ~~to cause~~ CAUSE or attempt to cause a public employer  
 23 to discriminate against a public employee in violation of  
 24 ~~subdivision (e) of~~ subsection ~~(1), or~~ (1)(C).

25     (c) ~~to refuse~~ REFUSE to bargain collectively with a public  
 26 employer, ~~provided it~~ IF THE LABOR ORGANIZATION, SUBJECT TO

1 SECTION 11, is the representative of the public employer's  
2 employees. ~~subject to section 11.~~

3 Section 2. This amendatory act shall not take effect unless  
4 Senate Bill No. 113

5 of the 87th Legislature is enacted into law.