



# HOUSE BILL No. 5954

June 7, 1996, Introduced by Rep. Jaye and referred to the Committee on Human Resources and 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~~ HOWEVER, nothing in this act or in  
14 any law of this state ~~shall preclude~~ PRECLUDES a public  
15 employer from making an agreement with an exclusive bargaining  
16 representative as ~~defined~~ DESIGNATED in section 11 to require  
17 as a condition of employment that all employees in the bargaining  
18 unit pay to the exclusive bargaining representative a service fee  
19 equivalent to the amount of dues uniformly required of members of  
20 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 rep-  
25 resentatives of its public employees, subject to ~~the provisions~~  
26 ~~of~~ section 11.

1 (F) DO EITHER OF THE FOLLOWING AFTER THE EFFECTIVE DATE OF  
2 THIS SUBDIVISION:

3 (i) ENTER INTO A COLLECTIVE BARGAINING AGREEMENT THAT  
4 REQUIRES THE PUBLIC EMPLOYER TO USE ITS PROPERTY, PROVIDE THE  
5 SERVICES OF ITS EMPLOYEES, OR PROVIDE THE SERVICES OF VOLUNTEERS  
6 ACTING ON ITS BEHALF TO COLLECT DUES FOR OR EMPLOYEE CONTRIBU-  
7 TIONS TO A LABOR ORGANIZATION.

8 (ii) EXCEPT AS OTHERWISE PROVIDED IN A COLLECTIVE BARGAINING  
9 AGREEMENT EXECUTED BY THE PUBLIC EMPLOYER OR ITS AGENT BEFORE THE  
10 EFFECTIVE DATE OF THIS SUBDIVISION, USE ITS PROPERTY, PROVIDE THE  
11 SERVICES OF ITS EMPLOYEES, OR PROVIDE THE SERVICES OF VOLUNTEERS  
12 ACTING ON ITS BEHALF TO COLLECT DUES FOR OR EMPLOYEE CONTRIBU-  
13 TIONS TO A LABOR ORGANIZATION.

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

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

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

26 (i) PUBLIC employees in the exercise of ~~the~~ THEIR rights  
27 guaranteed in section 9. ~~Provided, That this subdivision~~

1 ~~shall~~ THIS SUBPARAGRAPH DOES not impair the right of a labor  
2 organization to prescribe its own rules with respect to the  
3 acquisition or retention of membership ~~therein, or (ii) a~~ IN  
4 THE ORGANIZATION.

5 (ii) A public employer in the selection of its representa-  
6 tives for the ~~purposes~~ PURPOSE of collective bargaining or the  
7 adjustment of grievances. ~~→~~

8 (b) ~~to cause~~ CAUSE or attempt to cause a public employer  
9 to discriminate against a public employee in violation of  
10 ~~subdivision (c) of~~ subsection ~~(+); or~~ (1)(C).

11 (c) ~~to refuse~~ REFUSE to bargain collectively with a public  
12 employer, ~~provided it~~ IF THE LABOR ORGANIZATION, SUBJECT TO  
13 SECTION 11, is the representative of the public employer's  
14 employees. ~~subject to section 11.~~