

REPRINT

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 663

(As passed the House November 30, 1999)

A bill to amend 1947 PA 336, entitled

"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,"

by amending section 1 (MCL 423.201), as amended by 1996 PA 543.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) As used in this act:

2 (a) "Bargaining representative" means a labor organization
3 recognized by an employer or certified by the commission as the
4 sole and exclusive bargaining representative of certain employees
5 of the employer.

6 (b) "Commission" means the employment relations commission
7 created in section 3 of ~~Act No. 176 of the Public Acts of 1939,~~

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1 ~~being section 423.3 of the Michigan Compiled Laws~~ 1939 PA 176,
2 MCL 423.3.

3 (c) "Intermediate school district" means that term as
4 defined in section 4 of the revised school code, ~~Act No. 451 of~~
5 ~~the Public Acts of 1976, being section 380.4 of the Michigan~~
6 ~~Compiled Laws~~ 1976 PA 451, MCL 380.4.

7 (d) "Lockout" means the temporary withholding of work from a
8 group of employees by means of shutting down the operation of the
9 employer in order to bring pressure upon the affected employees
10 or the bargaining representative, or both, to accept the
11 employer's terms of settlement of a labor dispute.

12 (e) "Public employee" means a person holding a position by
13 appointment or employment in the government of this state, in the
14 government of 1 or more of the political subdivisions of this
15 state, in the public school service, in a public or special dis-
16 trict, in the service of an authority, commission, or board, or
17 in any other branch of the public service, — SUBJECT TO
18 THE FOLLOWING EXCEPTIONS:

19 (i) Beginning ~~on the effective date of the amendatory act~~
20 ~~that added this sentence~~ MARCH 31, 1997, a person employed by a
21 private organization or entity that provides services under a
22 time-limited contract with the state or a political subdivision
23 of the state is not an employee of the state or that political
24 subdivision, and is not a public employee.

25 (ii) A PUBLIC SCHOOL ADMINISTRATOR EMPLOYED BY A SCHOOL
26 DISTRICT THAT IS A SCHOOL DISTRICT OF THE FIRST CLASS UNDER
27 THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852, IS

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1 NOT A PUBLIC EMPLOYEE FOR THE PURPOSES OF THIS ACT. THIS EXCEPTION
2 DOES NOT PROHIBIT THE CHIEF EXECUTIVE OFFICER OR BOARD OF A SCHOOL
3 DISTRICT OF THE FIRST CLASS OR ITS DESIGNEE FROM HAVING INFORMAL
4 MEETINGS WITH PUBLIC SCHOOL ADMINISTRATORS TO DISCUSS WAGES AND
5 WORKING CONDITIONS.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 (f) "Public school academy" means a public school academy OR
16 STRICT DISCIPLINE ACADEMY organized under ~~part 6a of Act No. 451~~
17 ~~of the Public Acts of 1976, being sections 380.501 to 380.507 of~~
18 ~~the Michigan Compiled Laws~~ THE REVISED SCHOOL CODE, 1976 PA 451,
19 MCL 380.1 TO 380.1852.

20 (G) "PUBLIC SCHOOL ADMINISTRATOR" MEANS A SUPERINTENDENT,
21 ASSISTANT SUPERINTENDENT, CHIEF BUSINESS OFFICIAL, PRINCIPAL, OR
22 ASSISTANT PRINCIPAL EMPLOYED BY A SCHOOL DISTRICT, INTERMEDIATE
23 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.

24 (H) ~~(g)~~ "Public school employer" means a public employer
25 that is the board of a school district, intermediate school dis-
26 trict, or public school academy; ~~—~~ IS THE CHIEF EXECUTIVE
27 OFFICER OF A SCHOOL DISTRICT IN WHICH A SCHOOL REFORM BOARD IS IN

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1 PLACE UNDER PART 5A OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL
2 380.371 TO 380.376; or is the governing board of a joint endeavor
3 or consortium consisting of any combination of school districts,
4 intermediate school districts, or public school academies.

5 (I) ~~(h)~~ "School district" means that term as defined in
6 section 6 of ~~Act No. 451 of the Public Acts of 1976, being~~
7 ~~section 380.6 of the Michigan Compiled Laws~~ THE REVISED SCHOOL
8 CODE, 1976 PA 451, MCL 380.6, or a local act school district as
9 defined in section 5 of ~~Act No. 451 of the Public Acts of 1976,~~
10 ~~being section 380.5 of the Michigan Compiled Laws~~ THE REVISED
11 SCHOOL CODE, 1976 PA 451, MCL 380.5.

12 (J) ~~(i)~~ "Strike" means the concerted failure to report for
13 duty, the willful absence from one's position, the stoppage of
14 work, or the abstinence in whole or in part from the full, faith-
15 ful, and proper performance of the duties of employment for the
16 purpose of inducing, influencing, or coercing a change in employ-
17 ment conditions, compensation, or the rights, privileges, or
18 obligations of employment. For employees of a public school
19 employer, strike also includes an action described in this subdi-
20 vision that is taken for the purpose of protesting or responding
21 to an act alleged or determined to be an unfair labor practice
22 committed by the public school employer.

23 (2) This act does not limit, impair, or affect the right of
24 a public employee to the expression or communication of a view,
25 grievance, complaint, or opinion on any matter related to the
26 conditions or compensation of public employment or their
27 betterment as long as the expression or communication does not

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1 interfere with the full, faithful, and proper performance of the
2 duties of employment.