

Labor; collective bargaining; executives and public school administrators; exempt.

LABOR: Collective bargaining; EDUCATION: Employees

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,~~

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 EACH OF
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 PERSON EMPLOYED AS AN EXECUTIVE, AS DEFINED BY THE
26 COMMISSION, IS NOT A PUBLIC EMPLOYEE.

1 (iii) A PUBLIC SCHOOL ADMINISTRATOR IS NOT A PUBLIC
2 EMPLOYEE.

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

8 (G) "PUBLIC SCHOOL ADMINISTRATOR" MEANS A SUPERINTENDENT,
9 ASSISTANT SUPERINTENDENT, CHIEF BUSINESS OFFICIAL, PRINCIPAL,
10 ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY RESPONSIBILITY
11 IS ADMINISTERING INSTRUCTIONAL PROGRAMS OF A SCHOOL DISTRICT,
12 INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.

13 (H) ~~(g)~~ "Public school employer" means a public employer
14 that is the board of a school district, intermediate school dis-
15 trict, or public school academy, or is the governing board of a
16 joint endeavor or consortium consisting of any combination of
17 school districts, intermediate school districts, or public school
18 academies.

19 (I) ~~(h)~~ "School district" means that term as defined in
20 section 6 of ~~Act No. 451 of the Public Acts of 1976, being~~
21 ~~section 380.6 of the Michigan Compiled Laws~~ THE REVISED SCHOOL
22 CODE, 1976 PA 451, MCL 380.6, or a local act school district as
23 defined in section 5 of ~~Act No. 451 of the Public Acts of 1976,~~
24 ~~being section 380.5 of the Michigan Compiled Laws~~ THE REVISED
25 SCHOOL CODE, 1976 PA 451, MCL 380.5.

26 (J) ~~(i)~~ "Strike" means the concerted failure to report for
27 duty, the willful absence from one's position, the stoppage of

1 work, or the abstinence in whole or in part from the full,
2 faithful, and proper performance of the duties of employment for
3 the purpose of inducing, influencing, or coercing a change in
4 employment conditions, compensation, or the rights, privileges,
5 or obligations of employment. For employees of a public school
6 employer, strike also includes an action described in this subdi-
7 vision that is taken for the purpose of protesting or responding
8 to an act alleged or determined to be an unfair labor practice
9 committed by the public school employer.

10 (2) This act does not limit, impair, or affect the right of
11 a public employee to the expression or communication of a view,
12 grievance, complaint, or opinion on any matter related to the
13 conditions or compensation of public employment or their better-
14 ment as long as the expression or communication does not inter-
15 fere with the full, faithful, and proper performance of the
16 duties of employment.