

SENATE BILL No. 400

April 19, 2001, Introduced by Senators STEIL, SHUGARS, STILLE and MC MANUS and referred to the Committee on Human Resources and Labor.

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 10 (MCL 423.210).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) ~~It shall be unlawful for a~~ A public employer
2 or an officer or agent of a public employer SHALL NOT DO ANY OF
3 THE FOLLOWING:

4 (a) ~~to interfere~~ INTERFERE with, restrain, or coerce
5 public employees in the exercise of their rights guaranteed in
6 section 9. ~~—~~

7 (b) ~~to initiate~~ INITIATE, create, dominate, contribute to,
8 or interfere with the formation or administration of any labor

1 organization. ~~Provided, That~~ THIS SUBDIVISION DOES NOT
2 PROHIBIT a public employer ~~shall not be prohibited~~ from permit-
3 ting employees to confer with it during working hours without
4 loss of time or pay. ~~+~~

5 (c) ~~to discriminate~~ DISCRIMINATE in regard to ~~hire,~~
6 HIRING OR terms ~~or other~~ AND conditions of employment in order
7 to encourage or discourage membership in a labor organization.
8 ~~Provided further, That nothing in this act or in any law of~~
9 ~~this state shall preclude a public employer from making an agree-~~
10 ~~ment with an exclusive bargaining representative as defined in~~
11 ~~section 11 to require as a condition of employment that all~~
12 ~~employees in the bargaining unit pay to the exclusive bargaining~~
13 ~~representative a service fee equivalent to the amount of dues~~
14 ~~uniformly required of members of the exclusive bargaining~~
15 ~~representative;~~

16 (d) ~~to discriminate~~ DISCRIMINATE against a public employee
17 because he OR SHE has given testimony or instituted proceedings
18 under this act. ~~+~~ ~~or~~

19 (e) ~~to refuse~~ REFUSE to bargain collectively with the rep-
20 resentatives of its public employees, subject to ~~the provisions~~
21 ~~of~~ section 11.

22 ~~-(2) It is the purpose of this amendatory act to reaffirm~~
23 ~~the continuing public policy of this state that the stability and~~
24 ~~effectiveness of labor relations in the public sector require, if~~
25 ~~such requirement is negotiated with the public employer, that all~~
26 ~~employees in the bargaining unit shall share fairly in the~~
27 ~~financial support of their exclusive bargaining representative by~~

1 ~~paying to the exclusive bargaining representative a service fee~~
 2 ~~which may be equivalent to the amount of dues uniformly required~~
 3 ~~of members of the exclusive bargaining representative.~~

4 (2) ~~(3) It shall be unlawful for a~~ A labor organization or
 5 its agents SHALL NOT DO ANY OF THE FOLLOWING:

6 (a) ~~to restrain~~ RESTRAIN or coerce EITHER OF THE
 7 FOLLOWING: ~~(i) public~~

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

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

17 (b) ~~to cause~~ CAUSE or attempt to cause a public employer
 18 to discriminate against a public employee in violation of
 19 ~~subdivision (c) of~~ subsection ~~(1); or~~ (1)(C).

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

24 Enacting section 1. This amendatory act does not take
 25 effect unless Senate Bill No. 398

26 of the 91st Legislature is enacted into
 27 law.