

HOUSE BILL No. 4665

March 19, 2009, Introduced by Reps. Knollenberg, Agema, McMillin, Green, Meekhof, Genetski, Kowall, Pearce, Walsh, Lund, DeShazor, Haveman, Crawford, Calley, Denby, Rogers, Wayne Schmidt, Lori, Kurtz, Booher, Daley, Pavlov and Meltzer and referred to the Committee on 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 or
2 an officer or agent of a public employer **SHALL NOT DO ANY OF THE**
3 **FOLLOWING:**

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

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7 (b) ~~to initiate,~~ **INITIATE**, create, dominate, contribute to, or

1 interfere with the formation or administration of any labor
2 organization, ~~÷ Provided, That a public employer shall not be~~
3 ~~prohibited from permitting~~ **BUT A PUBLIC EMPLOYER MAY PERMIT**
4 employees to confer with it during working hours without loss of
5 time or pay. ÷

6 (c) ~~to discriminate~~ **DISCRIMINATE** in regard to hire, terms or
7 other conditions of employment ~~in order to~~ encourage or discourage
8 membership in a labor organization, ~~÷ Provided further, That~~ **BUT**
9 nothing in this act or in any law of this state ~~shall preclude~~
10 **PRECLUDES** a public employer from making an agreement with an
11 exclusive bargaining representative as defined in section 11 to
12 require as a condition of employment that all employees in the
13 bargaining unit pay to the exclusive bargaining representative a
14 service fee equivalent to the amount of dues uniformly required of
15 members of the exclusive bargaining 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
20 representatives of its public employees, subject to the provisions
21 of section 11.

22 (F) **AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
23 **THIS SUBDIVISION, ENTER INTO OR RENEW A BARGAINING AGREEMENT THAT**
24 **REQUIRES OR ALLOWS PAID RELEASE TIME FOR UNION OFFICERS OR**
25 **BARGAINING REPRESENTATIVES TO CONDUCT UNION BUSINESS IF THE RELEASE**
26 **TIME IS PAID BY THE PUBLIC EMPLOYER.**

27 (2) It is the purpose of this amendatory act to reaffirm the

continuing public policy of this state that the stability and effectiveness of labor relations in the public sector require, if ~~such~~ **THE** requirement is negotiated with the public employer, that all employees in the bargaining unit shall share fairly in the financial support of their exclusive bargaining representative by paying to the exclusive bargaining representative a service fee which may be equivalent to the amount of dues uniformly required of members of the exclusive bargaining representative.

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

(a) ~~to restrain or coerce: (i) public~~ **RESTRAIN OR COERCE** **PUBLIC** employees in the exercise of the rights guaranteed in section 9. ~~Provided, That this~~ **THIS** subdivision ~~shall~~ **DOES** not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership. ~~therein; or (ii) a~~

(b) **RESTRAIN OR COERCE** **A** public employer in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances. ~~;~~ ~~(b) to cause~~

(c) **CAUSE** or attempt to cause a public employer to discriminate against a public employee in violation of ~~subdivision (c) of subsection (1); or (c) to refuse~~ **SUBSECTION (1) (D)**.

(d) **REFUSE** to bargain collectively with a public employer, provided it is the representative of the public employer's employees subject to section 11.