

# HOUSE BILL No. 5044

June 4, 2009, Introduced by Reps. Amash, Genetski, Agema, Lund, McMillin, Knollenberg and Daley 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.

1 +

2 (b) ~~to initiate~~ **INITIATE**, create, dominate, contribute to, or  
 3 interfere with the formation or administration of any labor  
 4 organization. ~~Provided, That~~ **HOWEVER**, a public employer shall not  
 5 be prohibited from permitting **MAY PERMIT** employees to confer with  
 6 ~~it~~ **A LABOR ORGANIZATION** during working hours without loss of time  
 7 or pay. +

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

18 (d) ~~to discriminate~~ **DISCRIMINATE** against a public employee  
 19 because he has given testimony **THE PUBLIC EMPLOYEE TESTIFIED** or  
 20 instituted proceedings under this act. ~~+ or~~

21 (e) ~~to refuse~~ **REFUSE** to bargain collectively with the  
 22 representatives of its public employees, subject to the provisions  
 23 of section 11.

24 **(F) REQUIRE AS A CONDITION OF HIRE OR CONTINUED EMPLOYMENT**  
 25 **THAT AN EMPLOYEE PAY ANY SERVICE FEE TO A BARGAINING REPRESENTATIVE**  
 26 **IF THE EMPLOYEE IS NOT A MEMBER OF THE BARGAINING REPRESENTATIVE.**

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

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

9 (2) ~~(3) It shall be unlawful for a~~ **A** labor organization or its  
 10 agents **SHALL NOT DO ANY OF THE FOLLOWING:**

11 (a) ~~to restrain~~ **RESTRAIN** or coerce ~~+(i)~~ public employees in  
 12 the exercise of the rights guaranteed in section 9. ~~+-Provided,~~  
 13 ~~That~~ **HOWEVER**, this subdivision shall **DOES** not impair the right of a  
 14 labor organization to prescribe its own rules with respect to the  
 15 acquisition or retention of **ITS** membership. ~~therein; or (ii)~~

16 (B) **RESTRAIN OR COERCE** a public employer in the selection of  
 17 its representatives for the purposes of collective bargaining or  
 18 the adjustment of grievances. ~~+(b) to cause~~

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

22 (D) **REFUSE** to bargain collectively with a public employer,  
 23 ~~provided~~ **IF** it is the representative of the public employer's  
 24 employees subject to section 11.