

# SENATE BILL No. 1467

August 24, 2010, Introduced by Senator McMANUS and referred to the Committee on Commerce and Tourism.

A bill to prohibit employers from placing certain conditions on employment; to grant rights to employees; to impose duties and responsibilities on certain state and local officers; to make certain agreements unlawful; and to provide remedies and penalties.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2       "right-to-work law".

3       Sec. 3. As used in this act:

4       (a) "Employer" means a person or entity that pays 1 or more  
5       individuals under an express or implied contract of hire.

6       (b) "Labor organization" means an organization of any kind,  
7       agency or employee representation committee, group, association, or  
8       plan in which employees participate and which exists for the  
9       purpose, in whole or in part, of dealing with employers concerning

1   grievances, labor disputes, wages, rates of pay, hours, or other  
2   terms or conditions of employment.

3       Sec. 5. Except as provided in section 13, a person shall not  
4   require an employee to do any of the following as a condition of  
5   employment or continued employment:

6       (a) Become or remain a member of a labor organization.

7       (b) Pay dues, fees, assessments, or other similar charges to a  
8   labor organization.

9       (c) Pay to a charity or other third party an amount equivalent to  
10   or pro rata portion of dues, fees, assessments, or other charges  
11   required of members of a labor organization.

12       Sec. 7. Except as provided in section 13, an agreement,  
13   understanding, or practice between a labor organization and employer  
14   that violates employee rights granted under this act is unlawful and  
15   unenforceable.

16       Sec. 9. A person who suffers an injury or a threatened injury  
17   from a violation of this act may bring a civil action for damages,  
18   injunctive relief, or both. The court may award a prevailing plaintiff  
19   costs and reasonable attorney fees. The civil remedy is independent  
20   of, and in addition to, any criminal proceeding or sanction prescribed  
21   for a violation of this act.

22       Sec. 11. A person who violates this act is guilty of a  
23   misdemeanor. The prosecuting attorney of the county or the attorney  
24   general shall investigate each complaint of a violation of this act  
25   and shall prosecute the criminal case if credible evidence of a  
26   violation exists.

27       Sec. 13. This act does not apply to any of the following:

1           (a) An employer or employee covered by the federal railway labor  
2 act, 45 USC 151 to 188.

3           (b) A federal employer or employee.

4           (c) An employer or employee at an exclusively federal enclave.

5           (d) An employment contract entered into before the effective date  
6 of this act, except that this act applies to a contract renewal or  
7 extension that takes effect after the effective date of this act.

8           (e) A situation in which it would conflict with, or be  
9 preempted by, federal law.

10          Enacting section 1. This act does not take effect unless  
11 Senate Bill No. 1466  
12 of the 95th Legislature is enacted into law.