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BILL



ANALYSIS

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Senate Bill 713 (Substitute S-2 as reported)  
Sponsor: Senator Phil Pavlov  
Committee: Education

### **CONTENT**

The bill would amend Public Act 336 of 1947, which prohibits strikes by various public employees, to do the following:

- Require the Superintendent of Public Instruction to notify the Michigan Employment Relations Commission (MERC) of the full or partial days a public school employee was engaged in a strike, and allow a parent of a student in the school district to give that notice.
- Require MERC to conduct a hearing to determine if there had been a violation of the Act within two days, instead of 60 days, of receiving notice of a strike or lockout.
- Require MERC, if it found that employees had engaged in an illegal strike, to fine the employees (as currently required) and to: order the public school employer to stop collecting membership dues or service fees for a bargaining representative; make the bargaining representative ineligible to represent the bargaining unit for five years; and conduct an election on the question of certifying a different bargaining representative.
- Allow the Superintendent to bring an action to enjoin a strike by a public school employee.
- Require a court having jurisdiction of an action to enjoin a strike to impose the same sanctions that MERC would be required to order, if they would not be duplicative.
- Require a court, if it found that an illegal lockout had occurred, to fine the public school employer \$5,000 and each member of its governing board \$250 for each day of the lockout, unless the fines would duplicate MERC-imposed sanctions.
- Require a court to award costs and attorney fees to a prevailing plaintiff, and to order other equitable relief it found appropriate.
- Require a public employer to commence a proceeding to determine whether a public employee violated the Act within five (rather than 10) days of receiving a request for a hearing, and to issue a decision within two (rather than 10) days after the proceeding.
- Allow a public employer to consolidate employee hearings unless an employee demonstrated manifest injustice from the consolidation.
- Prohibit a labor organization or its agent from soliciting or encouraging a public employee to strike, or conspiring with any other person to cause a strike.

The bill would take effect 90 days after its enactment.

MCL 423.202a et al.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have an indeterminate, though likely small, fiscal impact on the State and could have a negative impact on public school employers that were required to pay fines for a lockout in violation of the Act. By requiring courts, as well as the Commission, to impose sanctions, the bill could increase the number of entities fined for violations. These entities would include public school employers that were subject to a court-ordered fine of \$5,000 per

day of a lockout ruled to be in violation of the Act, if the fine did not duplicate a fine ordered by the Commission. The bill also would remove the existing fine for the bargaining representative of a public school employee or employees found to have engaged in a strike in violation of the Act. The bargaining representative would instead face other penalties, including being barred from representing the bargaining unit for five years after the determination that illegal conduct had occurred. It is not known whether the combination of these changes would lead to an increase or decrease of fines levied under the Act. For fines ordered by a court on a public school employer and members of its governing board for a lockout, the proceeds would be deposited in the School Aid Fund.

Date Completed: 2-3-16

Fiscal Analyst: Ryan Bergan  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.