

HOUSE BILL No. 6177

June 12, 2018, Introduced by Reps. Jones, Sabo, Chang, Lasinski, Brinks, Guerra, Geiss, Greig, Green, Rabhi, Pagan, Yancey, Gay-Dagnogo and Wittenberg and referred to the Committee on Law and Justice.

A bill to amend 1996 IL 1, entitled
"Michigan gaming control and revenue act,"
by amending section 7c (MCL 432.207c), as added by 1997 PA 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7c. (1) Each local labor organization that directly
2 represents casino gaming employees shall register with the board
3 annually and provide all of the following:

4 (a) The local labor organization's name, address, and
5 telephone number.

6 (b) The name and address of any international labor
7 organization with which it directly or indirectly maintains an
8 affiliation or relationship.

9 (c) All of the following information for the designated
10 individuals and other personnel of the local labor organization:

11 (i) The individual's full name and any known alias or

1 nickname.

2 (ii) The individual's business address and telephone number.

3 (iii) The individual's title or other designation in the local
4 labor organization.

5 (iv) Unless information is required under subdivision (d) (v),
6 a brief description of the individual's duties and activities.

7 (v) The individual's annual compensation, including salary,
8 allowances, reimbursed expenses, and other direct or indirect
9 disbursements.

10 (d) All of the following additional information for each
11 designated individual of the local labor organization:

12 (i) The individual's home address and telephone number.

13 (ii) The individual's date and place of birth.

14 (iii) The individual's ~~social security~~ **SOCIAL SECURITY** number.

15 (iv) The date he or she was hired by or first consulted with
16 or advised the local labor organization.

17 (v) A detailed description of all of the following:

18 (A) The individual's duties and activities.

19 (B) Whether he or she performed the same or similar activities
20 previously on a labor organization's behalf.

21 (C) The individual's prior employment or occupational history.

22 (vi) Excluding minor traffic offenses, a detailed description
23 of all of the following:

24 (A) The individual's convictions, including any conviction
25 that was expunged or set aside, sealed by court order, or for which
26 he or she received a pardon.

27 (B) Any criminal offense for which he or she was charged or

1 indicted but not convicted.

2 (vii) Whether he or she was ever denied a business, liquor,
3 gaming, or professional license or had such a license revoked.

4 (viii) Whether a court or governmental agency determined the
5 individual unsuitable to be affiliated with a labor organization
6 and the details of that determination.

7 (ix) Whether the individual was ever subpoenaed as a witness
8 before a grand jury, legislative committee, administrative body,
9 crime commission, or similar agency and the details relating to
10 that subpoena.

11 (x) A photograph of the individual taken within the previous
12 60 days.

13 (xi) For the local labor organization's first filing, a
14 complete set of the individual's fingerprints.

15 (e) A written certification under oath by the local labor
16 organization president, secretary, treasurer, or chief official
17 that the information provided under this subsection is complete and
18 accurate. The board shall prescribe the form for this
19 certification.

20 (2) A local labor organization may satisfy the information
21 requirements of subsection (1) by providing to the board copies of
22 reports filed with the United States ~~department of labor~~ **DEPARTMENT**
23 **OF LABOR** under the labor management reporting and disclosure act of
24 1959, Public Law 86-257, supplemented by any required information
25 not contained in those reports.

26 (3) If information required under subsection (1) for a
27 designated individual changes after registration or if the local

1 labor organization gains a designated individual after
2 registration, the local labor organization shall provide the board
3 with that new information or the information, photograph, and
4 fingerprints required under subsection (1) for the new designated
5 individual within 21 days.

6 (4) Notwithstanding section 4c, information provided by a
7 local labor organization to the board under this section is exempt
8 from disclosure under the freedom of information act, 1976 PA 442,
9 MCL 15.231 to 15.246.

10 (5) Upon finding by clear and convincing evidence that grounds
11 for disqualification under subsection (6) exist, the board may
12 disqualify an officer, agent, or principal employee of a local
13 labor organization registered or required to be registered under
14 this section from performing any of the following functions:

15 (a) Adjusting grievances for or negotiating or administering
16 the wages, hours, working conditions, or employment conditions of
17 casino gaming employees.

18 (b) Soliciting, collecting, or receiving from casino gaming
19 employees any dues, assessments, levies, fines, contributions, or
20 other charges within this state for or on behalf of the local labor
21 organization.

22 (c) Supervising, directing, or controlling other officers,
23 agents, or employees of the local labor organization in performing
24 functions described in subdivisions (a) and (b).

25 (6) An individual may be disqualified under subsection (5) for
26 lacking good moral character only if any of the following apply:

27 (a) He or she has been indicted or charged with, convicted of,

1 pled guilty or nolo contendere to, or forfeited bail in connection
2 with a crime involving gambling, theft, dishonesty, ~~prostitution,~~
3 **COMMERCIAL SEX**, or fraud under the laws of this state, any other
4 state, or the United States or a local ordinance of a political
5 subdivision of this state or another state. Disqualification ~~cannot~~
6 **MUST NOT** be based only on crimes that involve soliciting or
7 engaging ~~prostitution~~ **COMMERCIAL SEX** services unless the individual
8 is or has engaged in an ongoing pattern of that behavior. If the
9 grounds for disqualification are criminal charges or indictment, at
10 the individual's request, the board shall defer making a decision
11 on disqualification while the charge or indictment is pending.

12 (b) He or she intentionally or knowingly made or caused to be
13 made a false or misleading statement in a document provided to the
14 board or its agents or orally to a board member or agent in
15 connection with an investigation.

16 (c) He or she engages in criminal or unlawful activities in an
17 occupational manner or context for economic gain, or is an
18 associate or member of a group of individuals who operate together
19 in that fashion, and this behavior creates a reasonable belief that
20 the behavior adversely affects gambling operations and the public
21 policy underlying this act. In making a determination under this
22 subdivision, the board may consider findings or identifications by
23 the attorney general or department of state police that an
24 individual is within this category.

25 (7) A designated individual shall report all information
26 described in subsection (6) (a) to (c) concerning him or her to the
27 local labor organization. A local labor organization shall report

1 all information described in subsection (6)(a) to (c) concerning
2 its designated individuals of which it has actual knowledge to the
3 board.

4 (8) The board may waive any disqualification criterion under
5 subsection (6) or may rescind a disqualification under subsection
6 (5), if doing so is consistent with the public policy of this act
7 and based on a finding that the interests of justice so require.

8 (9) The board shall give written notice to an individual it
9 proposes to disqualify and to the affected labor organization,
10 stating the reason for the proposed disqualification and describing
11 any supporting evidence in the board's possession. Within 30 days
12 after receiving the written notice of proposed disqualification,
13 the respondent may file with the board a written request for a
14 hearing, which ~~shall~~**MUST** take place promptly. The board shall
15 conduct the hearing in conformity with the contested case
16 procedures set forth in the administrative procedures act of 1969,
17 1969 PA 306, MCL 24.201 to 24.328. A person aggrieved by a final
18 disqualification has the right to appeal to the circuit court for
19 the county in which the person resides or has his or her principal
20 place of business to have the disqualification set aside based on
21 any ground set forth in section 106 of the administrative
22 procedures act of 1969, 1969 PA 306, MCL 24.306.

23 (10) Not later than January 31 of the calendar year after
24 disqualification and each year after that unless the
25 disqualification is rescinded or reversed, the disqualified
26 individual shall provide the board with a sworn statement that he
27 or she did not perform the functions described in subsection (5)

1 during the previous year.

2 (11) The board may petition in the circuit court for the
3 county in which the disqualified individual resides or has his or
4 her principal place of business for an order enforcing the terms of
5 the disqualification.

6 (12) A local labor organization that is registered or required
7 to be registered under this section or any officer, agent, or
8 principal employee of that organization shall not personally hold
9 any financial interest in a casino licensee employing casino gaming
10 employees represented by the organization or person.

11 (13) This section does not prohibit a local labor organization
12 from conducting training for or operating a school to train casino
13 gaming employees, or from entering into an agreement or arrangement
14 with a casino licensee, supplier, or vendor to provide for the
15 training of casino gaming employees. A local labor organization
16 that conducts such training or operates such a school or does not
17 otherwise qualify as a supplier is not subject to the contribution
18 prohibitions of section 7b.

19 (14) This section does not deny, abridge, or limit in any way
20 the legitimate rights of casino gaming employees to form, join, or
21 assist labor organizations, to bargain collectively through
22 representatives of their own choosing, or to engage in other
23 concerted activities for the purpose of collective bargaining or
24 other mutual aid and protection or the free exercise of any other
25 rights they may have as employees under the laws of the United
26 States or this state.

27 (15) This section ~~shall~~**MUST** not be expanded or amplified by

1 action of the board or any other executive or administrative body.
2 The board and any other executive or administrative body do not
3 have authority to promulgate interpretive rules or rulings to
4 implement this section. The board and any other executive or
5 administrative body do not have authority under this section to
6 require that a local labor organization or an officer, agent, or
7 principal employee of a labor organization does either of the
8 following:

9 (a) Qualify for or obtain a casino, occupational, or
10 supplier's license or any other license or permit required under
11 rules promulgated by the board.

12 (b) Ensure the compliance of any person or entity with the
13 licensing requirements under this act or under rules promulgated by
14 the board.

15 (16) As used in this section:

16 (a) "Casino gaming employee" means the following and their
17 supervisors:

18 (i) Individuals involved in operating a casino gaming pit,
19 including dealers, shills, clerks, hosts, and junket
20 representatives.

21 (ii) Individuals involved in handling money, including
22 cashiers, change persons, count teams, and coin wrappers.

23 (iii) Individuals involved in operating gambling games.

24 (iv) Individuals involved in operating and maintaining slot
25 machines, including mechanics, floorpersons, and change and payoff
26 persons.

27 (v) Individuals involved in security, including guards and

1 game observers.

2 (vi) Individuals with duties similar to those described in
3 subparagraphs (i) to (v). However, casino gaming employee does not
4 include an individual whose duties are related solely to nongaming
5 activities such as entertainment, hotel operation, maintenance, or
6 preparing or serving food and beverages.

7 (b) "Designated individual" means an officer, agent, principal
8 employee, or individual performing a function described in
9 subsection (5).

10 (17) Nothing in this act ~~shall preclude~~ **PRECLUDES** employees
11 from exercising their legal rights to organize themselves into
12 collective bargaining units.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.

15 Enacting section 2. This amendatory act does not take effect
16 unless Senate Bill No. ____ or House Bill No. 6169 (request no.
17 02879'17) of the 99th Legislature is enacted into law.